



Kansas Register

Ron Thornburgh, Secretary of State

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State of Kansas

Legislature

Interim Committee Schedule

The following committee meetings have been scheduled during the period of December 17-30. Requests for accommodation to participate in committee meetings should be made at least two working days in advance of the meeting by contacting Legislative Administrative Services at (785) 296-2391 or TTY (785) 296-8430. When available, agendas can be found at <http://skyways.lib.ks.us/ksleg/KLRD/kldr.html>.

Date	Room	Time	Committee	Agenda
December 17	519-S	10:00 a.m.	Joint Committee on Economic Development	Review draft committee reports and issue conclusions and recommendations on remaining topics.
December 18	526-S	9:00 a.m.		
December 17	531-N	10:00 a.m.	Special Committee on Kansas Security	17th: a.m. —Presentations regarding cyber security. p.m. —Presentations relating to the transportation of, licensure of and response to hazardous materials. 18th: Presentations by local entities with regard to response and emergency management.
December 18	531-N	9:00 a.m.		
December 18	123-S	10:00 a.m.	Joint Committee on State Building Construction	Agenda not available.
December 19	123-S	9:00 a.m.		
December 18	519-S	10:00 a.m.	Joint Committee on State-Tribal Relations	Agenda not available.
December 19	519-S	9:00 a.m.		
December 19		Canceled	Joint Committee on Information Technology	
December 20		Canceled		
December 20	313-S	10:00 a.m.	Special Committee on Redistricting	Review and discussion of legislative district plans; review of committee report draft; other committee business.
December 21	313-S	9:00 a.m.		

Jeff Russell
 Director of Legislative
 Administrative Services

Doc. No. 027363

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State of Kansas

Information Network of Kansas

Notice of Meeting

The Information Network of Kansas Board of Directors will meet at 1 p.m. Thursday, December 20, at the Top of the Tower, Starlight Room, 16th Floor, Bank of America Building, 534 S. Kansas Ave., Topeka. The meeting is open to the public. For additional information, call (785) 296-1460.

Leroy Gattin
Chairman

Doc. No. 027348

State of Kansas

Pooled Money Investment Board

Notice of Investment Rates

The following rates are published in accordance with K.S.A. 75-4210. These rates and their uses are defined in K.S.A. 2000 Supp. 12-1675(b)(c)(d), and K.S.A. 75-4201(l) and 75-4209(a)(1)(B).

Effective 12-10-01 through 12-16-01

Table with 2 columns: Term, Rate. Rows include 1-89 days (1.93%), 3 months (1.66%), 6 months (1.82%), 1 year (2.29%), 18 months (2.83%), 2 years (3.18%).

Derl S. Treff
Director of Investments

Doc. No. 027349

State of Kansas

Department of Revenue

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Department of Revenue at 1:30 p.m. Wednesday, February 20, in Room 481, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the revocation of regulations related to hearings held before the Director of Taxation, withholding of Kansas income tax and solar tax incentives for purposes of the Kansas income tax act.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kathleen Smith at (785) 296-3081 or TTY (785) 296-6461. Disabled parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is accessible.

The regulations are proposed for revocation on a permanent basis. A summary of the proposed regulations and the economic impact follows:

Article 1.—HEARING

Revocation of K.A.R. 92-1-1, 92-1-2 and 92-1-3. These regulations are being revoked. They relate to the hearing procedure that was in place prior to 1997. Prior to 1997, hearings before the Director of Taxation were to be held in accordance with the provisions of the Kansas Administrative Procedure Act. After 1997, hearings before the Director of Taxation are held as informal conferences in accordance with K.S.A. 79-3226.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Article 11.—WITHHOLDING AND ESTIMATED TAX

Revocation of K.A.R. 92-11-1, 92-11-2, 92-11-3, 92-11-4, 92-11-5, 92-11-6, 92-11-7, 92-11-8, 92-11-9, 92-11-10, 92-11-11, 92-11-12, 92-11-13, 92-11-14, 92-11-15 and 92-11-16. These regulations are being revoked. They embody requirements that have been changed by statutory amendment (especially those enacted during the 2000 legislative session), policies that have been changed by the Department of Revenue, and practices that are now obsolete, especially in light of new and anticipated electronic filing methods.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

Article 12a.—SOLAR TAX INCENTIVES

Revocation of K.A.R. 92-12a-1, 92-12a-2, 92-12a-3, 92-12a-4, 92-12a-5, 92-12a-6, 92-12a-7, 92-12a-8, 92-12a-9, 92-12a-10, 92-12a-11, 92-12a-12, 92-12a-13, 92-12a-14, 92-12a-15, 92-12a-16, 92-12a-17, 92-12a-18, 92-12a-19, 92-12a-20, 92-12a-21, 92-12a-22 and 92-12a-23. These regulations are being revoked. The statutes that provided for solar tax incentives for purposes of the Kansas income tax act were enacted in 1976 and repealed in 1988. As a result, all of these regulations are obsolete.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

A copy of the regulations and the economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588.

Stephen S. Richards
Secretary of Revenue

Doc. No. 027531

State of Kansas

Department of Revenue

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Department of Revenue at 1:30 p.m. Thursday, February 21, in Room 481, Docking State Office Building, 915 S.W. Harrison, Topeka, to consider the revocation, amendments and proposed adoption of regulations related to the procedures to be followed with regard to submitting a homestead property tax refund claim.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments on the proposed regulations prior to the hearing to Kathleen Smith, Tax Specialist, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66625.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the adoption of the proposed regulations. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Kathleen Smith at (785) 296-3081 or TTY (785) 296-6461. Disabled parking is located in State Parking Lot No. 2, south of the Docking Building facing Harrison Street. The east entrance to the Docking Building is accessible.

The regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impact follows:

Article 22.—HOMESTEAD TAX RELIEF

Amendments to K.A.R. 92-22-4, 92-22-23 and 92-22-25: K.A.R. 92-22-4 was amended to define the term "domicile." K.A.R. 92-22-23 was amended to remove language that indicated the sum of property tax and rent constituting property tax was limited to \$400, and to instead refer to the statutory limit found in K.S.A. 79-4509. K.A.R. 92-22-25 was amended to establish clearer guidelines concerning what proof must be submitted in support of a claim for refund.

Revocation of K.A.R. 92-22-19, 92-22-22 and 92-22-24: K.A.R. 92-22-19 is being revoked because the 2000 amendment of K.S.A. 79-4517 makes it obsolete. K.A.R. 92-22-22 is being revoked because the 1988 amendment of K.S.A. 79-4502 makes it obsolete. K.A.R. 92-22-24 is being revoked because the 1989 and 1992 amendments of K.S.A. 79-4509 make the dollar amount shown incorrect, and the balance of the regulation is not necessary.

Adoption of K.A.R. 92-22-33 and 92-22-34: K.A.R. 92-22-33 provides guidelines for determining when a child is considered a dependent child of the claimant. K.A.R.

92-22-34 provides guidelines for determining when a claim of refund is complete.

Economic Impact: No impact on the public, the department or other agencies is anticipated.

A copy of the regulations and the economic impact statements may be obtained from the Kansas Department of Revenue, Office of Policy and Research, Room 230, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612-1588.

Stephen S. Richards
Secretary of Revenue

Doc. No. 027352

State of Kansas

Animal Health Department

Notice of Hearing on Proposed
Administrative Regulations

A public hearing will be conducted by the Kansas Animal Health Department at 10 a.m. Wednesday, February 20, in the office of the Kansas Animal Health Department, 708 S.W. Jackson, Topeka, to consider the adoption of proposed regulation K.A.R. 9-7-19. This regulation establishes an equine passport.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rule and regulation. All interested parties may submit written comments prior to the hearing to George Teagarden, Kansas Livestock Commissioner, 708 S.W. Jackson, Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulation during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulation and economic impact statement in an accessible format. Requests for accommodation should be made at least 10 working days in advance of the hearing by contacting Brenda Schuette at (785) 296-2326. There is no designated handicapped parking on the block. The agency is located on Jackson Street and is handicap accessible.

A copy of the full text of the regulation and economic impact statement may be reviewed or obtained by contacting the Animal Health Department at the address above, (785) 296-2326. A summary of the proposed regulation and economic impact follows:

K.A.R. 9-7-19 establishes an equine passport. There is no fiscal impact to consumers, licensees or the agency.

George Teagarden
Kansas Livestock Commissioner

Doc. No. 027357

State of Kansas

Kansas Insurance Department

Notice of Changes in Pharmacy Networks

Pursuant to K.S.A. 40-2,153, the Kansas Commissioner of Insurance is publishing notice that changes have occurred in the following pharmacy networks in Kansas:

Blue Cross and Blue Shield of Kansas City has notified the Insurance Department of the following additions to its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists additions to Blue Cross and Blue Shield of Kansas City network.

Coventry Healthcare Pharmacy Network has notified the department of the following addition to its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists addition to Coventry Healthcare Pharmacy Network.

Aetna U.S. Healthcare Pharmacy Network has notified the department of the following addition to its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists addition to Aetna U.S. Healthcare Pharmacy Network.

In addition, Aetna U.S. Healthcare Pharmacy Network has notified the department of the following terminations from its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists terminations from Aetna U.S. Healthcare Pharmacy Network.

Humana, Inc., Pharmacy Network has notified the department of the following additions to its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists additions to Humana, Inc., Pharmacy Network.

Humana, Inc., Pharmacy Network also has notified the department of the following terminations from its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists terminations from Humana, Inc., Pharmacy Network.

United HealthCare of the Midwest, Inc., Pharmacy Network has notified the department of the following additions to its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists additions to United HealthCare of the Midwest, Inc., Pharmacy Network.

United HealthCare of the Midwest, Inc., Pharmacy Network also has notified the department of the following termination from its pharmacy network:

Table with 3 columns: Pharmacy Name, City, Effective Date. Lists termination from United HealthCare of the Midwest, Inc., Pharmacy Network.

Questions should be directed to Rebecca Sanders at the Kansas Insurance Department, (785) 296-3071.

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 027350

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, December 27, in the offices of the Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, on the proposal for the Kansas Development Finance Authority to issue its Agricultural Development Revenue Bonds for the projects numbered below in the respective maximum principal amount. The bonds will be issued to assist the respective borrower named below (who will be the owner and operator of the project) to finance the cost in the amount of the bond of acquiring the project or for the purpose of refunding a bond previously issued to finance the project. The projects shall be located as shown:

Project No. 000517—Maximum Principal Amount: \$71,500. Owner/Operator: Todd and Cari Pfizenmaier. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Section 21, Bloom Township, Clay County, Kansas, approximately 9 miles west of Clay Center on Highway 24 and 3.5 miles north on Deer Trail Road.

Project No. 000518—Maximum Principal Amount: \$218,274.11. Owner/Operator: Robert J. Feight. Description: Acquisition of 230 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the West Half of the West Half of Section 5, Township 5, Range 1, and the East Half of the Northwest Quarter of Section 6, Township 5, Range 1, Cloud County, Kansas, approximately 1 mile north, 3 miles west and 2 miles north on county gravel road from Clyde.

Project No. 000519—Maximum Principal Amount: \$72,000. Owner/Operator: Matthew D. VanAllen. Description: Acquisition of 160 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at the Southeast Quarter of Section 17, Township 4, Range 17, Phillips County, Kansas, approximately 3 miles east and 1 mile north of Glade on E. 400 Road.

Project No. 000520—Maximum Principal Amount: \$220,000. Owner/Operator: Randall and Marilyn Serrien. Description: Acquisition of 320 acres of agricultural land and related improvements and equipment to be used by the owner/operator for farming purposes. The project is located at Sections 19 & 30, Marion Township, Lincoln County, Kansas, approximately 5 miles west of Lincoln on Highway 18 and 1.5 miles north on 140th Road.

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness of the State of Kansas or any political subdivision thereof, including the Authority, nor will they be an indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received from the respective borrower, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written

comments previously filed with the Authority at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Any individual affected by any of the above-described projects may, at or prior to the hearing, file a written request with the Authority that a local hearing be held on the proposal to issue a bond to finance said project. A local hearing, if requested, would be conducted in the county where the project in question is located.

Jack H. Brier
President

Doc. No. 027361

State of Kansas

Kansas Development Finance Authority

Notice of Hearing

A public hearing will be conducted at 9 a.m. Thursday, December 27, in the conference room in the offices of Kansas Development Finance Authority, 555 S. Kansas Ave., Suite 202, Topeka, regarding the proposed issuance by the Authority of its Health Care Facilities Revenue Bonds in a principal amount not to exceed \$5,000,000 for Hartford, Inc. (the developer). The bonds will be issued, pursuant to K.S.A. 74-8901 *et seq.*, to finance and reimburse the costs of acquisition and rehabilitation of 14 existing group homes for the mentally retarded and developmentally disabled and a day program center in the State of Kansas. The facilities will be operated by Hartford, Inc. as Pennsylvania Place, Holton; Sutton Home, Emporia; Prairie Home, Emporia; East Fifth Home, Emporia; Mohawk Home, Burlington; North Mulberry Home, Neosho Rapids; Congress Home, Hartford; Day Program Center, Hartford; Pine Place, Hartford; Stratford Home, Emporia; Linn Home, Emporia; Housastonic Home, Burlington; South Mulberry Home, Neosho Rapids; Neosho Home, Hartford; and Melvern Home, Melvern, to be used for intermediate care facilities and home and community-based services and facilities. The project is being financed for Hartford, Inc. (the developer).

The bonds, when issued, will be a limited obligation of the Kansas Development Finance Authority and will not constitute a general obligation or indebtedness for which the faith and credit and taxing powers of the State of Kansas are pledged. The bonds will be payable solely from amounts received or pledged by the developer, the obligation of which will be sufficient to pay the principal of, interest and redemption premium, if any, on the bonds when they become due.

All individuals who appear at the hearing will be given an opportunity to express their views, and all written comments previously filed with the Authority at its offices at 555 S. Kansas Ave., Suite 202, Topeka, 66603, will be considered. Additional information regarding the project may be obtained by contacting the Authority.

Jack H. Brier
President

Doc. No. 027367

State of Kansas

Department of Health and Environment

Notice Concerning Kansas Water Pollution Control Permits

In accordance with Kansas Administrative Regulations 28-16-57 through 63, 28-18-1 through 15, 28-18a-1 through 32, 28-16-150 through 154, 28-46-7, and the authority vested with the state by the administrator of the U.S. Environmental Protection Agency, draft permits have been prepared and/or permit applications have been received for discharges to the waters of the United States and the State of Kansas for the class of discharges described below.

The determinations for permit content are based on staff review, applying the appropriate standards, regulations and effluent limitations of the State of Kansas and the EPA, and when issued will result in a State Water Pollution Control Permit and National Pollutant Discharge Elimination System Authorization subject to certain conditions.

All Kansas Department of Health and Environment district office addresses and telephone numbers are listed below.

Public Notice No. KS-AG-01-374/375 Application(s) for New or Expansion of Existing Swine Facilities

Name and Address of Applicant, Owner of Property Where Facility Will Be Located, Receiving Water, Legal Description. This is an application for a new permit for an existing swine facility. A new or modified permit will not be issued without additional public notice.

The application is for a new permit for an existing facility for a maximum of 620 head of swine (248 animal units), each weighing more than 55 pounds, and for 720 head of swine (72 animal units), each weighing 55 pounds or less, for a total capacity of 320 animal units of swine.

Name and Address of Applicant, Owner of Property Where Facility Will Be Located, Receiving Water, Legal Description. This is an application for expansion of an existing facility from the current permit capacity of 630 head of swine weighing more than 55 pounds (252 animal units) to a proposed capacity of 2,138 head of swine weighing more than 55 pounds (855.2 animal units) and 1,200 head of swine weighing 55 pounds or less (120 animal units), for a total of 3,338 head of swine (975.2 animal units).

This is an application for expansion of an existing facility from the current permit capacity of 630 head of swine weighing more than 55 pounds (252 animal units) to a proposed capacity of 2,138 head of swine weighing more than 55 pounds (855.2 animal units) and 1,200 head of swine weighing 55 pounds or less (120 animal units), for a total of 3,338 head of swine (975.2 animal units). The expansion involves the phased construction of hoop structure enclosures and runoff controls for a manure stockpile area. A new or modified permit will not be issued without additional public notice.

Public Notice No. KS-AG-01-376/383 Pending Permits for Confined Feeding Facilities

Name and Address of Applicant, Legal Description, Receiving Water. Ingalls Feed Yard—East Pens, 10505 U.S. Hwy. 50, Ingalls, KS 67853. Federal Permit No. KS0115258. This is a renewal permit for an existing facility for 4,500 head (4,500 animal units) of beef cattle. Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant, Legal Description, Receiving Water. Roth Farms, c/o Ron Roth, 1924 Valleyview Road, Green, KS 67447. Kansas Permit No. A-LRCY-S012. This is a new permit for an existing facility for a maximum of 576 swine weighing more than 55 pounds (230.4 animal units) and 768 swine weighing less than 55 pounds (76.8 animal units), for a total of 1,344 head (307.2 animal units) of swine. Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant, Legal Description, Receiving Water. Porters Porkers Partnership, c/o John D. Porter, Route 1, P.O. Box 55, Glen Elder, KS 67446. Kansas Permit No. A-SOMC-S007. This is a renewal permit and change of operation for an existing facility for 9,752 head (975.2 animal units) of swine. Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant, Legal Description, Receiving Water. Walker Hog Farm, c/o Bill Walker, 1809 N. 190th Road, Miltonvale, KS 67466. Kansas Permit No. A-SOOT-S008. This is a permit renewal for an existing facility for a maximum of 302 head of swine weighing more than 55 pounds (120.8 animal units) and 500 head of swine weighing less than 55 pounds (50 animal units), for a total of 802 head (170.8 animal units) of swine. Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

(continued)

Name and Address of Applicant	Legal Description	Receiving Water
Merle and Irene Yoder 3307 S. Mohawk Road Hutchinson, KS 67501	NE/4 of Section 32, T23S, R6W, Reno County	Lower Arkansas River Basin

Kansas Permit No. A-ARRN-M046

This is a new permit for an existing facility for 80 head of mature dairy cattle and 30 head of replacement heifers for a total of 110 head (142 animal units).

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. Dewatering equipment information shall be submitted to the department within six months after issuance of the permit. The manure/waste management plan developed by the designer and submitted to the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Krebs Feed Yard 1500 N. Hwy. 83 Scott City, KS 67871	NW/4 of Section 7, T18S, R32W, Scott County	Upper Arkansas River Basin

Kansas Permit No. A-UASC-C002 Federal Permit No. KS0037931

This is a renewal permit for an expanding facility from 3,000 head (3,000 animal units) to 4,999 head (4,999 animal units) of beef cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: Permeability tests shall be conducted on the earthen wastewater retention structure(s). Should any structure not meet the permeability requirements, additional sealing will be required. The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Sublette Feeders P.O. Box 917 Sublette, KS 67880	E/2 & NW/4 of Section 17, SE/4 of Section 8, T29S, R31W, Haskell County	Cimarron River Basin

Kansas Permit No. A-CIHS-C001 Federal Permit No. KS0038075

This is a renewal permit for an existing facility for 46,000 head (46,000 animal units) of cattle.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Name and Address of Applicant	Legal Description	Receiving Water
Roger Koester Route 3, P.O. Box 345 Concordia, KS 66901	NW/4 of Section 23, T6S, R2W, Cloud County	Lower Republican River Basin

Kansas Permit No. A-LRCD-S007

This is a permit renewal for an existing facility for a maximum of 496 head of swine weighing more than 55 pounds (198.4 animal units) and 200 head of swine weighing less than 55 pounds (20 animal units), for a total of 696 head (218.4 animal units) of swine.

Wastewater will be impounded for subsequent application to agricultural land for beneficial use. Wastewater storage capacity is provided that meets or exceeds KDHE minimum requirements.

Compliance Schedule: The manure/waste management plan developed by the designer and approved by the department shall be adhered to as a condition of the permit.

Persons wishing to comment on or object to the draft permits and/or permit applications must submit their comments in writing to the Kansas Department of Health and Environment if they wish to have the comments or objections considered in the decision making process. Comments or objections should be submitted to the attention of Shonda Domme for agricultural permits or applications, or to the permit clerk for all other permits, at the Kansas Department of Health and Environment, Division of Environment, Bureau of Water, 1000 S.W. Jackson, Suite 420, Topeka, 66612-1367.

All comments regarding the draft permit or application notice postmarked or received on or before January 12 will be considered in the formulation of final determinations regarding this public notice. Please refer to the appropriate Kansas permit number (KS-AG-01-374/383) and name of applicant/application as listed when preparing comments.

If no objections are received during the public notice period regarding any proposed permit, the Secretary of Health and Environment will issue the final determination regarding issuance or denial of the proposed permit. If response to this notice indicates significant public interest, a public hearing may be held in conformance with K.A.R. 28-16-61 (28-46-21 for UIC). Media coordination for publication and/or announcement of the public notice or public hearing is handled by the Kansas Department of Health and Environment.

For agricultural permits and applications, a copy of the permit application, supporting documentation and a KDHE-developed fact sheet, if appropriate, is available for review at the appropriate district office:

- Northwest District Office, 2301 E. 13th,
Hays, 67601-2651, (785) 625-5664
- North Central District Office, 2501 Market Place,
Salina, 67401-7699, (785) 827-9639
- Northeast District Office, 800 W. 24th,
Lawrence, 66046-4417, (785) 842-4600
- Southwest District Office, 302 W. McArtor Road,
Dodge City, 67801-6098, (620) 225-0596
- South Central District Office, 130 S. Market, 6th Floor,
Wichita, 67202-3802, (316) 337-6020
- Southeast District Office, 1500 W. 7th,
Chanute, 66720, (620) 431-2390

Application information and components of plans and specifications for all new facilities and for expansions of existing swine facilities may be reviewed on the Internet at <http://www.kdhe.state.ks.us/feedlots/stindex.html>.

For all other proposed permits, the draft permit(s), including proposed effluent limitations and special conditions, fact sheets as appropriate, comments received and other information, are on file and may be inspected at the offices of the Kansas Department of Health and Environment, Bureau of Water.

Division of Environment offices are open from 8 a.m. to 5 p.m. Monday through Friday, excluding holidays. These documents are available upon request at the copying cost assessed by KDHE. Additional copies of this public notice also may be obtained at the Division of Environment.

Clyde D. Graeber
Secretary of Health
and Environment

Doc. No. 027365

State of Kansas

**Department of Administration
Division of Purchases**

Notice to Bidders

Sealed bids for the following items will be received by the Director of Purchases, Landon State Office Building, 900 S.W. Jackson, Room 102, Topeka, 66612, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (785) 296-2377 for additional information:

Thursday, December 27, 2001

04322

Department of Transportation—Glass Beads for Traffic Line Paint

Thursday, January 3, 2002

A-9069

Wichita State University—Reroof, Ahlberg Hall

A-9255

Osawatometie State Hospital—Laundry Electrical Upgrades/Dejong Utility Rerouting

Tuesday, January 8, 2002

A-9286 and A-9288

Department of Transportation—Reroof Sub-Area and Area Shop, Kinsley and Great Bend

A-9287

Department of Transportation—Reroof Sub-Area Shop, Winfield

A-9333

Beloit Juvenile Correctional Facility—Replace Underground Fuel Oil Supply and Return Lines

A-9367

Kansas State School for the Deaf—Chlorination/Piping System Modification, Taylor Gymnasium

Thursday, January 10, 2002

A-9282 and A-9283

Department of Transportation—Reroof Area Shop, Atwood and Oakley

A-9383

Topeka Correctional Facility—Roof Replacement, Various Buildings

A-9400

University of Kansas—Water Heater Replacement, Oliver Hall

A-8494 Rebid

Pittsburg State University—National Hall Front Entrance Replacement

04376

Kansas State University—Furnish Material and Labor for Installation of New Artificial Grass and Rubberized Track, Various Campus Locations

Tuesday, January 15, 2002

A-9271

Kansas Neurological Institute—Remodel and Expand Restrooms

Thursday, January 17, 2002

A-8156 and A-8157

Emporia State University—ADA and Life Safety Improvement, Cremer Hall and Bruekelman Science Hall

A-9256 and A-9257 Rebid

Osawatometie State Hospital—Medication Rooms, HVAC Upgrade, Adair and Biddle Buildings/Refrigeration Upgrade

John T. Houlihan
Director of Purchases

Doc. No. 027368

State of Kansas

**Department of Commerce
and Housing**

Public Notice and Disclosure

Pursuant to 24 CFR 570.489(g) and (h), notice is given that the Russell County Commission has requested a grant of federal funds available from the Kansas Department of Commerce and Housing (KDOC&H) Community Development Block Grant Division (CDBG) for and on behalf of an economic development proposal of a business in Russell County. The grant is under consideration by the CDBG Division of KDOC&H. The department hereby discloses that one of the principals in the Russell County business that is making an application is a relative of an economic development field representative with the KDOC&H Community Development Block Grant program.

The department is seeking a conflict of interest waiver from the federal Department of Housing and Urban Development (HUD) for KDOC&H's continued ability to decide whether to make such grant to Russell County, and the continued oversight of this proposed project if such grant is made.

The conflict addressed is the employee's position provides grant assistance information to the company and compliance oversight to carry out the grant if such grant is awarded. To resolve this conflict, the KDOC&H employee will be removed from her position of oversight of the project and will not have any input into decisions or writings affecting such proposal. The KDOC&H CDBG Division believes that by HUD granting a conflict of interest waiver in this project and removing the employee from all project input and oversight, nobody is provided any cost benefit or provided an essential degree of expertise to the program that would not otherwise be available to the project.

Anyone desiring more information on this request for a HUD conflict of interest waiver should send written contact to Ned Webb, Director, CDBG Division, Kansas Department of Commerce and Housing, 1000 S.W. Jackson, Suite 100, Topeka, 66612.

Marilyn Graham
Director, CDBG Program

Doc. No. 027366

State of Kansas

**Wichita State University
Office of Purchasing**

Notice to Bidders

Sealed bids for the following item will be received by the Office of Purchasing, Room 021, Morrison Hall, 1845 Fairmount, Wichita, 67260-0012, until 2 p.m. on the date indicated and then will be publicly opened. Interested bidders may call (316) 978-3784 for additional information.

Friday, January 4, 2002

Bid Number 020077-4

2-Component Phase Doppler Particle Analyzer
(PDPA) for Mechanical Engineering Department
FAA Study

Margaret A. Haddock
Interim Director of Purchasing

Doc. No. 027359

State of Kansas

Department on Aging

**Notice of Hearing on Proposed
Administrative Regulations**

A public hearing will be conducted at 10 a.m. Monday, February 18, in Room 3-West of the New England Building, 503 S. Kansas Ave., Topeka, to consider the adoption of proposed changes in existing rules and regulations of the Kansas Department on Aging.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Christy Lane, Policy Analyst, Kansas Department on Aging, 503 S. Kansas Ave., Topeka, 66603. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Christy Lane at (785) 368-7331 or TTY (785) 291-3167. Handicapped parking is located on the east side of the New England Building, directly in front of the building's entrance on Kansas Avenue, which is accessible to individuals with disabilities.

The regulations are proposed for adoption on a permanent basis. A summary of proposed regulations and their economic impact follows.

K.A.R. 26-1-1. Definitions. These general definitions have been revised for consistency with federal and state program terms, and the elimination of terms that are no longer used in the agency's regulations.

An economic impact on the department and other entities is not anticipated with the adoption of this regulation.

K.A.R. 26-1-4. State needs hearing. This regulation should be revoked because it regulates the department and the department has not been successful in publishing notices in the largest newspapers within the state.

An economic impact on the department and other entities is not anticipated with the adoption of this regulation.

K.A.R. 26-1-5. Area plan development. Part of 26-1-5(b), form requirements, has been deleted to allow the department to respond to federal changes and requirements without the expense of the regulation process.

A decrease in the department's administrative costs associated with regulation changes is anticipated. There should not be an economic impact on other entities with the adoption of this regulation.

K.A.R. 26-2-4. Revision of approved area plans. The department believes the area agency notification process can be handled more efficiently as part of the contract or grant award.

An economic impact on the department and other entities is not anticipated with the adoption of this regulation.

K.A.R. 26-3-2. Sub-grants. This proposed regulation revokes 26-3-2 because that regulation contains conditions of grant awards and contracts.

An economic impact on the department and other entities is not anticipated with the adoption of this regulation.

K.A.R. 26-5-1. Application for funding. This proposed regulation revokes 26-5-1 because it describes forms for application of funding of the In-home Nutrition Program, and the department needs the flexibility to change the forms as needed. A regulation is not required in such specificity, and the form requirements can be covered in the request for proposal.

A decrease in the department's administrative costs associated with regulation changes is anticipated. There should not be an economic impact on other entities with the adoption of this regulation.

K.A.R. 26-5-6. Eligibility for nutrition services, in-home meals, or supportive services and method of determining eligibility for specific population groups. This regulation has been revised because the eligibility requirements for the Older Americans Act nutrition program are in the act itself. The in-home meals eligibility criteria are in provider contracts and the department's policy manual.

A decrease in the department's administrative costs associated with regulation changes is anticipated. There should not be an economic impact on other entities with the adoption of this regulation.

Copies of the regulations and their economic impact statements may be obtained by contacting Christy Lane at the address and phone number given above or by e-mail at christyl@aging.state.ks.us.

Connie Hubbell
Secretary of Aging

Doc. No. 027347

State of Kansas

Secretary of State

Notice of Corporations Forfeited

In accordance with K.S.A. 17-7510, the articles of incorporation of the following corporations organized under the laws of Kansas and the authority of the following foreign corporations authorized to do business in Kansas were forfeited during the month of November 2001 for failure to timely file an annual report and pay the annual franchise tax as required by the Kansas general corporation code:

Domestic Corporations

A & A Bookkeeping & Tax Service, Inc., Topeka, KS.
 AASI Insurance, Inc., Topeka, KS.
 Advantage Homes, Inc., Derby, KS.
 AG Ventures, Inc., Hillsboro, KS.
 Alchemy Commercial Realty, Inc., Overland Park, KS.
 Alejandro's Mexican Restaurant, Inc., Ulysses, KS.
 All Systems' Electronics Security, Inc., Kansas City, KS.
 Almena Market, Inc., Norton, KS.
 Amco Corp., Jamestown, KS.
 American Bank Contractors, Inc., Phoenix, AZ.
 Automation Advantages, Inc., Overland Park, KS.
 B & L Auto Auction, Inc., El Dorado, KS.
 Beck Eye Center, P.A., Newton, KS.
 Bed Bath & Beyond of Overland Park Inc., Union, NJ.
 Bluegrass Cafe, Corp., Whitewater, KS.
 Bob Ammon Painting, Inc., Shawnee Mission, KS.
 Bob's Trading Post, Inc., Hutchinson, KS.
 Bolin Management, Inc., Garden City, KS.
 Canaday Oil Corporation, Wichita, KS.
 Cancer Diagnostics, Inc., Wichita, KS.
 Capitol Body & Equipment Co., Inc., Riverside, MO.
 CFS Service Company, Kansas City, MO.
 CFT Investments, L.L.C., Houston, TX.
 Church of God in WaKeeney, WaKeeney, KS.
 CKP, Inc., Overland Park, KS.
 Combined Enterprises, Inc., Overland Park, KS.
 Commercial Sales, Inc., Topeka, KS.
 Contemporary Communications, Inc., Wichita, KS.
 Cool CD Tools, Inc., Overland Park, KS.
 Copy Products, Inc., Iola, KS.
 Cottage Creek Development Company, Leawood, KS.
 Country Critters, Inc., Burlington, KS.
 Cray Medical Research Foundation, Atchison, KS.
 Current Aircraft, Inc., Arkansas City, KS.
 Dale Wilch Promotions, Inc., Kansas City, KS.
 Darby Railway Cars, Inc., Westwood, KS.
 Darrah Farms, Ltd., Wichita, KS.
 Delphos General, LLC, Delphos, KS.
 Deluxe Building Services, Inc., Mission, KS.
 Deluxe Service Systems, Inc., Mission, KS.
 Denton Cemetery Association, Denton, KS.
 Display International, Inc., Kansas City, KS.
 Dorrance Athletic Services, Inc., Dorrance, KS.
 Douglas County Amateur Baseball Association, Inc., Lawrence, KS.
 Down Home, Inc., Meade, KS.
 Dr. Larry H. David, D.V.M., P.A., Wichita, KS.
 East Central Ave. Donuts (KA), Inc., Wichita, KS.
 Ecoenergy Management Corporation, Melvern, KS.
 Elecsys Corporation, Prairie Village, KS.
 Essential Energy Supply, Inc., Mulvane, KS.
 Event Fools, Inc., Wichita, KS.
 EWY Animal Hospital and Boarding Kennel, Inc., Salina, KS.
 First National Oil, Inc., Liberal, KS.
 Foam Tech, Inc., Great Bend, KS.
 Fred E. Ellis Post No. 2715 Veterans of Foreign Wars of the United States, McPherson, KS.
 Global Networking International, Inc., Kansas City, KS.
 Great Plains Refinery Maintenance, Inc., Bartlesville, OK.
 H & R Peterson Farms, Inc., Salina, KS.
 Hackney's Custom Car Care, Inc., Wichita, KS.
 Healthwise, Inc., Topeka, KS.
 Heartland Community Church, Overland Park, KS.
 Henshall Industries, Inc., Lawrence, KS.
 Hollywoods Inc., Manhattan, KS.
 Hot Looks International, Inc., Overland Park, KS.
 Iola Area Symphony Orchestra, Inc., Iola, KS.
 Isodyne, Inc., Wichita, KS.
 J & D Farms, Inc., Ingalls, KS.
 J & P Electric, Inc., Harper, KS.
 J S Corp., Pinedale, WY.
 Jackson Artists Corporation, Inc., Overland Park, KS.
 Jones Enterprise, Inc., Wellington, KS.
 Kansas Antique Tractor Association, Inc., Paola, KS.
 Kansas Association for the Physically Handicapped, Wichita, KS.
 Kansas Chapter of the American College of Emergency Physicians, Inc., Topeka, KS.
 Kansas City Transcription, Inc., Leawood, KS.
 Kansas Ducks Unlimited, Inc., Memphis, TN.
 Kansas Markets, Inc., Wichita, KS.
 Kenway Services, Inc., Russell, KS.
 Kiger Farms, Inc., Washington, KS.
 L S I International, Inc., Overland Park, KS.
 Lawrence Art Guild Association, Lawrence, KS.
 Leavenworth Child Abuse Prevention Council, Inc., Leavenworth, KS.
 Lofty Creations, Inc., Haysville, KS.
 Lowell and Associates, Inc., Agenda, KS.
 Mahr Painting Company, Inc., Shawnee, KS.
 Maximize Enterprises Inc., Kingman, KS.
 McCune Community Ball Clubs, Inc., McCune, KS.
 Metropolitan Community Church, Inc., Wichita, KS.
 Midwestern Refinishing and Flooring, Inc., Hays, KS.
 Milford Lake Association, Inc., Junction City, KS.
 Miller Pyrotechnics, Inc., Sterling, KS.
 Minter-Wilson Drilling Co., Inc., Garden City, KS.
 Mitchell K. Haney & Associates, Inc., Great Bend, KS.
 Mitchell Painting & Decorating, Inc., Wichita, KS.
 Mt. Vernon Automotive, Inc., Wichita, KS.
 Mudbone, Ltd., Mesa, AZ.
 National Inspection and Repair, Inc., Topeka, KS.
 Ness County Chapter of the Kansas State Historical Society and Department of Archives, Ness City, KS.
 New Life Family Church of God, Kansas City, KS.
 New Testament Baptist Church, Wichita, KS.
 New West Travel, Inc., Garden City, KS.
 Nigro and Sons, Inc., Kansas City, MO.
 Omaha Restaurant, Inc., Atlanta, GA.
 Overland Body, Inc., Overland Park, KS.
 Paintmasters of Lawrence, Inc., Lawrence, KS.
 Parents Without Partners, Topeka Chapter #41, Topeka, KS.
 Party Kloset Rental, L.L.C., Wichita, KS.
 Peach Valley Estates Company, Wichita, KS.
 Pearl Loans, Inc., Kansas City, MO.
 Pikus & Pikus, Inc., Kansas City, MO.
 Pitt Trucking, Inc., Belvue, KS.
 Plaza del Sol, Inc., Wichita, KS.
 Plaza West Care Center, Inc., Topeka, KS.

(continued)

Prairie Pork Center, Inc., Marienthal, KS.
 Prairie Village Homes Association, Kansas City, MO.
 Pump & Power Equipment, Inc., Lenexa, KS.
 PWCC, Inc., Topeka, KS.
 Quest Futures Group, Inc., New York, NY.
 R. L. Sweat Enterprises, Inc., Wichita, KS.
 Rent Guide of Kansas City, Inc., Merriam, KS.
 Retirement Plan Management, Inc., Topeka, KS.
 RGOM Holdings, Inc., Toronto, Ontario, Canada.
 Rick's Appliance Service, Inc., Wichita, KS.
 Rick's Plumbing, Inc., Stilwell, KS.
 River Ridge Farms Homes Association, Stanley, KS.
 Robert S. Klein & Company, Inc., Overland Park, KS.
 Roberts Construction, Inc., Wichita, KS.
 S.A.S. Investments, LLC, Baldwin City, KS.
 Sasnak Fitness, Inc., Wichita, KS.
 Schroeder Cattle Co., Pinedale, WY.
 Seals, Inc., Lenexa, KS.
 Service Brass & Aluminum Foundry, Inc., Wichita, KS.
 Service Brass Holdings, Inc., Wichita, KS.
 Sirloin Enterprises, Inc., Enid, OK.
 Slate Creek Enterprises, Inc., Wellington, KS.
 Smith County Senior Citizens, Inc., Smith Center, KS.
 Southland Investment Corporation of Kansas,
 Kansas City, KS.
 Stephen A. Miller, D.O., P.A., Coffeyville, KS.
 Stoppel Farm, Inc., Sublette, KS.
 Sun Yi's Academy of Tae Kwon Do, Inc., Topeka, KS.
 Sycamore Village Homeowners Association, Wichita, KS.
 T.O.M., Inc., Goddard, KS.
 Tailgate University, Inc., Overland Park, KS.
 Tedford Land and Cottages, Inc., Leoti, KS.
 The Cowley County Landowners Association, Inc.,
 Winfield, KS.
 The La Crosse Country Club Inc., La Crosse, KS.
 The Larned Country Club, Inc., Larned, KS.
 The Museum of Christian History, Lawrence, KS.
 The Pyramid Corporation, Inc., Wichita, KS.
 The Round Table, Ltd., Shawnee, KS.
 Tom Watson Enterprises, Inc., Shawnee Mission, KS.
 Topeka Bible Church, Topeka, KS.
 Town Crier Bookstores, Inc., Topeka, KS.
 United Cerebral Palsy Associations, Inc., Washington, DC.
 Vietnam Veterans of America Inc., Kansas State Council,
 Topeka, KS.
 Wagoner's Carpet Service, Inc., Wichita, KS.
 Walkers Enterprises of Kansas, Inc., Wichita, KS.
 Wavetec Corporation, Wichita, KS.
 WDW Book Company of Newton, KS, Inc., Knoxville, TN.
 Wellington Group, Ltd., Lenexa, KS.
 Western Music Co., Inc., Great Bend, KS.
 Westmont Homes Association, Inc., Kansas City, MO.
 Yale's, Inc., Wichita, KS.
 Your Tree Care, Inc., Osage City, KS.
 Youthquest Inc., Topeka, KS.
 Zenith Cooperative Grain Company, Stafford, KS.

Foreign Corporations

A. M. Cohron & Son, Inc., Atlantic, IA.
 Abington Constructors Inc., Portsmouth, NH.
 Acomm Inc., Minneapolis, MN.
 Advanced Management Concepts, Inc., Las Vegas, NV.
 Alta Pacific Constructors, Inc., Santa Ana, CA.
 American Bankers Association, Washington, DC.
 American Crane and Tractor Parts, Inc., Kansas City, KS.
 American Standard Building Systems, Inc., Martinsville, VA.
 AON Insurance Management Services, Inc., Chicago, IL.
 Atlas Communications, Ltd., Blue Bell, PA.
 Battery Patrol Franchising, L.L.C., Dallas, TX.
 Bell & Howell Imaging Company, Ann Arbor, MI.
 Bob Evans Farms, Inc., Columbus, OH.
 Bott Broadcasting Company, Overland Park, KS.
 Bridging the Gap, Inc., Kansas City, MO.
 Campbell Oil Co., Inc., Kansas City, MO.
 Carley Consulting, Inc., Bend, OR.
 Centimark Corporation, Canonsburg, PA.
 Club Car, Inc., Woodcliff Lake, NJ.
 Coach Leasing, Inc., Houston, TX.
 Comsearch, Inc., East Providence, RI.
 D & H Distributing Company, Harrisburg, PA.
 Daktronics, Inc., Brookings, SD.
 Dames & Moore Group, San Francisco, CA.
 Dames & Moore, Inc., San Francisco, CA.
 Drilling Fluids Technology Inc., Booker, TX.
 EAI Healthcare Staffing Solutions, Inc., St. Louis, MO.
 El Camino Resources, Ltd., Woodland Hills, CA.
 Elan Construction International Ltd., Calgary, Alberta,
 Canada.
 Empire Design, Inc., Arlington, TX.
 Evets Electric, Inc., Youngstown, OH.
 Executive Suites Associates I, L.P., Kansas City, MO.
 Firan Corporation, Oakville, Ontario, Canada.
 FMC Transport, Inc., Willow Springs, MO.
 Frische Custom Harvesting, Inc., Dumas, TX.
 GEAC Enterprise Solutions, Inc., Southborough, MA.
 Gottsch Feeding Corporation, Elkhorn, NE.
 H.J. Heinz Company, Pittsburgh, PA.
 Heinz Frozen Food Company, Pittsburgh, PA.
 Homebytes.com Incorporated, Richmond, VA.
 IFN Insurance Agency, Inc., Richmond, VA.
 Industrial Maintenance Contractors, Inc., Midland, TX.
 Interpublic Inc., New York, NY.
 J. F. Drywall Corporation, Houston, TX.
 K.T. Associates, P.C., Herndon, VA.
 Kansas Residential Corporation, San Antonio, TX.
 KCI Shuttle, Inc., Houston, TX.
 KDD America, Inc., New York, NY.
 Laidlaw Transit Management Company, Inc., Naperville, IL.
 Laser Vision Centers, Inc., St. Louis, MO.
 Liberty Food Service, Inc., Storm Lake, IA.
 Loangenie.com, Inc., Irvine, CA.
 Loomis Bros. Equipment Company, Fenton, MO.
 Mallory's, Inc., Kansas City, MO.
 Manhattan Electronics Corporation, Shawnee Mission, KS.
 Medtronic Physio-Control Corp., Redmond, WA.
 Mercury Mortgage Co., Inc., Tulsa, OK.
 Metz Baking Company, St. Louis, MO.
 Mid-States Excavating, Inc., Blue Springs, MO.
 Monument Mortgage, Inc., San Ramon, CA.
 Motor Car Dealers Association of Greater Kansas City,
 Leawood, KS.
 Norstan Consulting, Inc., Minnetonka, MN.
 Partners Capital Group, Scottsdale, AZ.
 Pathnet, Inc., Reston, VA.
 Petro-X Oil & Gas Co., Inc., Denver, CO.
 Polich Enterprises, Inc., Blue Springs, MO.
 Product Development Corporation, Monterey, CA.
 Promise-Net International, Ltd., Snellville, GA.
 Protection Services Inc., Harrisburg, PA.
 Real Applications, Ltd., Woodland Hills, CA.
 Realty Title Company, Independence, MO.
 Reiss Painting Co., Inc., Tulsa, OK.
 Ryan & Douglas Development, Inc., Springfield, MO.
 Shearer Two Investment Corporation, Olathe, KS.
 Siemens Financial Services, Inc., Iselin, NJ.
 Special Product Company, Overland Park, KS.

Stearns Block Equipment Company, Inc., Kansas City, KS.
 Strauss Peyton of Kansas City, Inc., Kansas City, MO.
 STS Systems, Inc., Whippany, NJ.
 Summit Lawn and Landscape, Inc., Grandview, MO.
 Summit Masonry, Inc., Blue Springs, MO.
 Sun Microsystems, Inc., Palo Alto, CA.
 Superior Access Insurance Services, Inc., Irvine, CA.
 Sykes Realty, Inc., Tampa, FL.
 The Church of the Living God, the Pillar and Ground of the
 Truth of Muskogee, Oklahoma, Oklahoma City, OK.
 The Dow Chemical Company, Midland, MI.
 The Mortgage Conduit, Inc., Corona, CA.
 The Sophir Company, Omaha, NE.
 The Walking Company, Chatsworth, CA.
 Tourette Syndrome Association, Inc., Bayside, NY.
 Unisearch, Inc., Tumwater, WA.
 US Office Products, Chicago District, LLC, Wilmington, DE.
 Valley Crest Landscape, Inc., Calabasas, CA.
 Wang's International, Inc., Memphis, TN.

Ron Thornburgh
 Secretary of State

Doc. No. 027358

(Published in the Kansas Register December 13, 2001.)

Summary Notice of Sale
City of Russell, Kansas
\$1,500,000*
General Obligation Tax Increment Bonds
Series 2001C

**(General obligations payable from
 unlimited ad valorem taxes)**

Bids

Subject to the notice of sale and preliminary official statement, bids will be received by the undersigned city clerk of the City of Russell, Kansas, on behalf of the governing body of the city at the address hereinafter set forth, on Thursday, December 20, 2001, for the purchase of \$1,500,000* of General Obligation Tax Increment Bonds, Series 2001C. Bids for the bonds will be received until 11 a.m. local time on that day. No bid will be considered of less than 98.50 percent of the principal amount of the bonds and accrued interest to the date of delivery.

Bond Details

The bonds will consist of fully registered bonds in the denomination of \$5,000 or any integral multiple thereof. The bonds will be dated December 1, 2001, and will become due annually on December 1, beginning December 1, 2003, in the years as follows:

Year	Principal Amount*
2003	\$ 95,000
2004	100,000
2005	105,000
2006	110,000
2007	115,000
2008	120,000
2009	125,000
2010	135,000
2011	140,000
2012	145,000

2013	150,000
2014	160,000

The bonds will bear interest from the date thereof at rates to be determined when the bonds are sold, and interest will be payable semiannually on June 1 and December 1 in each year, beginning June 1, 2002. The Kansas State Treasurer, Topeka, Kansas, will be the bond paying agent and bond registrar for the bonds.

Optional Book-Entry-Only System

The successful bidder may elect to have the bonds registered under a book-entry-only system administered through DTC.

Redemption Prior to Maturity

The bonds will be subject to optional and mandatory redemption prior to maturity as provided in the notice of sale and preliminary official statement.

Good Faith Deposit

Each bid for the bonds shall be accompanied by a good faith check in the form of a cashier's or certified check or a financial surety bond in the amount of 2 percent of the principal amount of the bonds.

Delivery

The city will pay for preparing the bonds and will deliver the same without cost to the successful bidder on or about December 28, 2001, to DTC for the account of the successful bidder or to such bank or trust company in the contiguous United States as may be specified by the successful bidder, or elsewhere at the expense of the successful bidder.

Assessed Valuation and Indebtedness

The equalized assessed tangible valuation for computation of bonded debt limitations for the year 2001 is \$21,581,195. The total general obligation bonded indebtedness of the city as of the date of the bonds, including the bonds, is \$6,455,842.

Approval of Bonds

The bonds will be sold subject to the legal opinion of Gilmore & Bell, P.C., Kansas City, Missouri, bond counsel, whose approving legal opinion as to the validity of the bonds will be furnished and paid for by the city, will accompany the bonds and will be delivered to the successful bidder when the bonds are delivered.

Additional Information

Additional information regarding the bonds may be obtained from Karen Gates, city clerk, (785) 483-6311, fax (785) 483-4397; or from the city's financial advisor, Chapman Securities, Inc., 800 E. 1st St., Suite 400, Wichita, KS 67202, Attention: Ray Barmby, (913) 663-1420, fax (913) 663-1025.

Dated December 13, 2001.

City of Russell, Kansas
 Karen Gates
 City Clerk
 City Hall
 133 W. 8th
 Russell, KS 67665-0112

*Preliminary; subject to change.

Doc. No. 027364

State of Kansas

Kansas Insurance Department

Permanent Administrative
Regulations

Article 1.—GENERAL

40-1-48. Risk-based capital instructions for managed care organizations. The following documents published by the national association of insurance commissioners and dated June 30, 2000 are hereby adopted by reference:

(a) "2000 NAIC managed care organizations risk-based capital report including overview and instructions for companies, 2000 HMDI annual statement version"; and

(b) "2000 NAIC managed care organizations risk-based capital report including overview and instructions for companies, 2000 HMO annual statement version." (Authorized by K.S.A. 40-103 and K.S.A. 40-2d01; implementing K.S.A. 40-2d01(h); effective Dec. 28, 2001.)

Kathleen Sebelius
Kansas Insurance Commissioner

Doc. No. 027362

State of Kansas

Department of Revenue
Division of VehiclesNotice of Intent to Establish a New Location for
Existing New Motor Vehicle Dealer

Notice has been received from Lincoln Mercury, a division of Ford Motor Company, that Olathe Lincoln Mercury, Inc., Kansas Dealer #0444, will be moving its location and line-make to 11710 S. Strang Line Road, Olathe, KS 66062. The proposed opening date is January 1, 2002. The names of vehicle dealer-operators are Steve A. Oliver, Sr. and Steve A. Oliver, Jr.

Pursuant to K.S.A. 2000 Supp. 8-2430(a)(5), any existing new motor vehicle dealer may protest the proposed relocation of a new line-make at Olathe Lincoln Mercury, Inc., if that existing new motor vehicle dealer has a franchise agreement for the same line-make vehicle as that which is to be sold or offered for sale by Olathe Lincoln Mercury, Inc., at 11710 S. Strang Line Road, Olathe, Kansas, and provided that the existing new motor vehicle dealer is physically located such that its relevant market area, as defined in K.S.A. 2000 Supp. 8-2430(e), includes the location where the new Lincoln Mercury dealership will be located.

Pursuant to K.S.A. 2000 Supp. 8-2430(a), any petition or complaint by any dealer with standing to protest must be filed with the Director of Vehicles within 30 days of this notice. Such petitions or complaints must be directed to the Kansas Department of Revenue, Director of Motor Vehicles, 1st Floor, Docking State Office Building, 915 S.W. Harrison, Topeka, 66612.

Sheila Walker
Director of Motor Vehicles

Doc. No. 027354

State of Kansas

Department of Administration

Public Notice

Under requirements of K.S.A. 2000 Supp. 65-34,117(c), records of the Division of Accounts and Reports show the unobligated balances are \$3,317,091.88 in the underground petroleum storage tank release trust fund and \$443,988.68 in the aboveground petroleum storage tank release trust fund at November 30, 2001.

Joyce Glasscock
Acting Secretary of Administration

Doc. No. 027356

State of Kansas

Department on Aging

Temporary Administrative
Regulations

(Editor's Note: The following temporary regulation was inadvertently omitted from publication in the September 20, 2001 issue of the Kansas Register. The regulation was approved along with K.A.R. 26-11-1 and 26-11-2 at the September 5, 2001 meeting of the State Rules and Regulations Board.)

Article 11.—KANSAS SENIOR PHARMACY
ASSISTANCE PROGRAM

26-11-3. Priority of funding. (a) Not all requests for a drug benefit may be paid due to a lack of program funding.

(b) Drug benefit requests shall be prioritized according to the eligible individual's income level, and benefit payments shall be made until program funds are exhausted.

(c) Once program funds are exhausted, no eligible individual shall receive a benefit.

(d) This regulation shall be effective on and after October 1, 2001 through December 31, 2001. (Authorized by and implementing K.S.A. 2000 Supp. 75-5961; effective, T-26-9-5-01, Oct. 1, 2001.)

Connie Hubbell
Secretary of Aging

Doc. No. 027353

State of Kansas

State Corporation Commission

Permanent Administrative
RegulationsArticle 4.—MOTOR CARRIERS OF PERSONS
AND PROPERTY

82-4-3. Motor carrier safety regulations. (a) The following parts of the federal rules and regulations promulgated by the U.S. department of transportation are hereby adopted by reference. The adoption by reference shall cover the parts as in effect on October 1, 2000:

(1) General: 49 C.F.R. Part 390, except for the following:

(A) 49 C.F.R. 390.3(b) and (f);

(B) the following terms as they appear in 49 C.F.R. 390.5: "motor vehicle," "person," and "private motor car-

rier of property"; "commercial motor vehicle," "motor carrier," and "driver"; and

(C) 49 C.F.R. 390.11;

(2) qualifications of drivers: 49 C.F.R. Part 391, except for the following:

(A) 49 C.F.R. 391.11(b)(1);

(B) 49 C.F.R. 391.67; and

(C) 49 C.F.R. 391.69;

(3) driving of motor vehicles: 49 C.F.R. Part 392;

(4) parts and accessories necessary for safe operation: 49 C.F.R. Part 393, except 49 C.F.R. 393.81, 393.87, and 393.95(a);

(5) hours of service of drivers: 49 C.F.R. Part 395, except 49 C.F.R. 395.1(h), (i), and (k);

(6) hours of service of drivers engaged in transportation for agricultural operations: 49 C.F.R. 395.1(k), with the following provisions:

(A) "Agricultural commodities" means the unprocessed products of agriculture, horticulture, and cultivation of the soil, including wheat, corn, hay, milo, sorghum, sunflowers, and soybeans. Agricultural commodities shall not include livestock and livestock products, milk, honey, poultry products, timber products, and nursery stock, nor shall the term include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded;

(B) "farm supplies" means supplies or equipment for use in the planting or harvesting of agricultural commodities, but shall not include the transportation of hazardous materials of the type or quantity that requires the vehicle to be placarded;

(C) "hazardous materials," as used in K.A.R. 82-4-3(a)(6) only, shall not include fertilizer, animal waste used as fertilizer, anhydrous ammonia, and pesticides; and

(D) "planting and harvesting season" means the time periods for planting and harvesting that occur between January 1 and December 31;

(7) inspection, repair, and maintenance: 49 C.F.R. Part 396;

(8) transportation of hazardous materials; driving and parking rules: 49 C.F.R. Part 397;

(9) transportation of migrant workers: 49 C.F.R. Part 398;

(10) employee safety and health standards: 49 C.F.R. Part 399;

(11) minimum levels of financial responsibility for motor carriers: 49 C.F.R. Part 387, except strictly intrastate nonhazardous motor carriers covered under K.S.A. 66-1,128 and amendments thereto;

(12) procedures for transportation workplace drug testing programs: 49 C.F.R. Part 40 and 49 C.F.R. Part 382;

(13) safety fitness procedures: 49 C.F.R. Part 385; and

(14) rules of practice for motor carrier safety and hazardous materials proceedings: 49 C.F.R. 386.72.

(b) Whenever the incorporated federal regulations or other operator standards refer to portions of the federal regulations or other operating standards that are not included under subsection (a) of this regulation, those references shall not be applicable to this regulation unless otherwise specifically adopted.

(c) The following terms as used in this regulation and the identified sections of the regulations adopted by reference shall be defined as follows:

(1) "Authorized personnel," as used in 49 C.F.R. 396.9(c), means members of the Kansas highway patrol, any other law enforcement officer in the state, or authorized representatives of the commission who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(2) "Regional director of motor carriers," as used in 49 C.F.R. 391.51(b)(2), means the director of the transportation division of the commission.

(3) "Regional director of motor carriers," as used in 49 C.F.R. 391.51(g), means the superintendent of the Kansas highway patrol and the director of the transportation division of the commission.

(4) "Special agent of FHWA" and "special agent of the federal highway administration and authorized representatives of the federal highway administration," as used in 49 C.F.R. 395.13(a), 398.8(a), and appendix B to subchapter B, mean authorized representatives of the commission, and members of the Kansas highway patrol or any other law enforcement officers in the state who have been certified in the inspection of motor carriers based on the motor carrier safety assistance program standards.

(d) The commission's safety regulations and the federal safety regulations adopted by reference in this article shall not apply to the occasional transportation of personal property by private motor carriers that is not for compensation and is not in the furtherance of a commercial enterprise. (Authorized by and implementing K.S.A. 2000 Supp. 66-1,112, as amended by L. 2001, Ch. 92, § 9, K.S.A. 2000 Supp. 66-1,112a, K.S.A. 66-1,112g, K.S.A. 2000 Supp. 66-1,114, K.S.A. 2000 Supp. 66-1,115, as amended by L. 2001, Ch. 92, § 10 and K.S.A. 66-1,129, as amended by L. 2001, Ch. 73, § 3; effective Jan. 1, 1971; modified, L. 1981, ch. 424, May 1, 1981; amended May 1, 1984; amended May 1, 1985; amended May 1, 1987; amended April 30, 1990; amended Sept. 16, 1991; amended July 6, 1992; amended May 10, 1993; amended Oct. 3, 1994; amended Jan. 30, 1995; amended Jan. 4, 1999; amended, T-82-9-13-99, Sept. 13, 1999; amended March 3, 2000; amended, T-82-4-7-00, April 17, 2000; amended July 28, 2000; amended, T-82-10-25-01, Oct. 25, 2001; amended Dec. 28, 2001.)

82-4-26a. Certain private motor carriers exempt from obtaining commission authority. A private motor carrier engaged in the occasional transportation of personal property that is not for compensation and is not in the furtherance of a commercial enterprise shall not be required to apply for a certificate, permit, or license. (Authorized by K.S.A. 2000 Supp. 66-1,112, as amended by L. 2001, Ch. 92, § 9, 66-1,112a, K.S.A. 66-1,112g, K.S.A. 2000 Supp. 66-1,114 and K.S.A. 2000 Supp. 66-1,115, as amended by L. 2001, Ch. 92, § 10; implementing K.S.A. 2000 Supp. 66-1,114, K.S.A. 2000 Supp. 66-1,115, as amended by L. 2001, Ch. 92, § 10 and K.S.A. 2000 Supp. 66-1,116, as amended by L. 2001, Ch. 92, § 11, K.S.A. 66-1,117; effective, T-82-10-25-01, Oct. 25, 2001; effective Dec. 28, 2001.)

Jeffrey S. Wagaman
Executive Director

Doc. No. 027360

State of Kansas

Board of Pharmacy

Notice of Hearing on Proposed
Administrative Regulations

The Kansas State Board of Pharmacy will conduct a public hearing at 9:30 a.m. Wednesday, February 13, at the AmeriSuites meeting room, 6021 S.W. 6th Ave., Topeka, to consider proposed amendments to and revocation of rules and regulations of the Board of Pharmacy.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments on the proposed rules and regulations. All interested parties may submit written comments prior to the hearing to Susan A. Linn, Executive Director, State Board of Pharmacy, Room 513, Landon State Office Building, 900 S.W. Jackson, Topeka, 66612-1231. All interested parties will be given a reasonable opportunity to present their views orally on the adoption of the proposed regulations during the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statements in an accessible format. Requests for accommodation should be made at least five working days in advance of the hearing by contacting Susan A. Linn on the consumer toll-free number at 1-888-RX-BOARD (888-792-6273), in Topeka at 296-6504, or by e-mail at pharmacy@ink.org.

The regulations are proposed for changes and adoption on a permanent basis. A brief summary of the proposed regulations and economic impact follows:

K.A.R. 68-1-1e. This regulation is not needed in that currently all schools and colleges of pharmacy in the United States are accredited by the American Council on Pharmaceutical Education.

Economic Impact: There is no anticipated economic impact on the public, registrants, the Board of Pharmacy or other governmental agencies.

K.A.R. 68-1-3. This regulation is to be revoked as the pharmaceutical experience requirements are currently in statute.

Economic Impact: There is no anticipated economic impact on the public, registrants, the Board of Pharmacy or other governmental agencies.

K.A.R. 68-2-5. This regulation is amended to reflect a five-day notice to the board when the pharmacist in charge ceases to be employed as the pharmacist in charge at a pharmacy.

Economic Impact: There is no anticipated economic impact on the public, registrants, the Board of Pharmacy or other governmental agencies.

K.A.R. 68-9-1. The automated prescription system section in this regulation is to be changed to reflect the technological changes in pharmacy practice. The change would allow pharmacies to maintain a written or electronic daily prescription log.

Economic Impact: There is no anticipated economic impact to the Board of Pharmacy. Registrants may realize

substantial savings in storage costs, as they will no longer be required to keep written daily prescription logs.

Copies of the regulations and the economic impact statements may be obtained by contacting the Board of Pharmacy at (785) 296-4056 or www.ink.org/public/pharmacy.

Susan A. Linn
Executive Director

Doc. No. 027369

State of Kansas

Governmental Ethics Commission

Opinion No. 2001-19

Written October 18, 2001, to Craig Collins, Executive Director, Kansas Association of Addiction Professionals, Topeka.

This opinion is in response to your letter of October 18, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the State level governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as Executive Director of the Kansas Association of Addiction Professionals (KAAP). You have explained that KAAP conducts numerous seminars and trainings throughout the year. At these seminars and trainings, KAAP provides continuing education units (CEUs) to the attendees. In light of the continuing interest in legalized gambling and other issues affecting your association's members, you are considering providing complimentary access to these trainings to interested legislators, employees of the legislative branch, and state employees of the executive branch. In addition, you note that some of these individuals may be addiction professionals who would receive a benefit from receiving the CEUs. Finally, you have informed us that KAAP is registered to lobby in the state of Kansas.

Questions

- I. May a state legislator or other employee of the legislative branch accept complimentary admission to a KAAP seminar or training without violating State governmental ethics laws?
- II. May a state employee in the executive branch accept complimentary admission to a KAAP seminar or training without violating State governmental ethics laws?

Opinion

With respect to your first question regarding legislators and legislative staff, K.S.A. 46-237 applies. It states in pertinent part:

- (a) Except as provided by this section, no state officer or employee, candidate for state office or state officer elect shall accept, or agree to accept any (1) economic oppor-

tunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year . . . from any one person known to have a special interest, under circumstances where such person knows or should know that a major purpose of the donor is to influence such person in the performance of their official duties or prospective official duties.

(b) Except as provided by this section, no person with a special interest shall offer, pay, give or make any (1) economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year or (2) hospitality in the form of recreation having an aggregate value of \$100 or more in any calendar year to any state officer or employee, candidate for state office or state officer elect with a major purpose of influencing such officer or employee, candidate for state office or state officer elect in the performance of official duties or prospective official duties.

Three elements must be shown before the prohibitions in these sections apply. First, the value of the gift must be \$40.00 or greater. Second, the person giving the gift must have a special interest in the person accepting the gift. And finally, the person accepting the gift must know or should have known that a major purpose of the donor was to influence such person in the performance of their official duties or prospective official duties. If any element is not met, the restrictions in this statute do not apply.

With regard to the first element, you have informed a member of our staff that these seminars and trainings cost in excess of \$40.00. With regard to the second element, because KAAP is registered to lobby in the state of Kansas, it is an organization with a special interest in the legislature. With regard to the third and final element, however, based upon the facts presented to the Commission, it is clear that KAAP would be offering complimentary access to these seminars to members of the Kansas legislature and their legislative staff in order to educate them regarding an issue before the legislature.

There has been no evidence presented to the Commission to suggest that KAAP has a major purpose of influencing the legislators or their staff in the performance of their official duties or prospective official duties. Therefore, the Commission determines that state legislators and employees of the legislative branch may accept complimentary registration to KAAP seminars and trainings without violating State governmental ethics laws.

The Commission notes, however, that these individuals may not receive free CEU credits. Because the legislators and legislative employees attending the seminar or training do not require CEU credits in their state capacities, they would be receiving a personal benefit which would not be given to educate them in their state positions. Therefore, they may accept access to the seminar or training in order to gain educational knowledge, but they may not accept free CEU credits without violating K.S.A. 46-237.

With regard to your second question regarding state employees in the executive branch, K.S.A. 46-237a and K.S.A. 46-237(c) apply. K.S.A. 46-237a states in pertinent part:

(b) No person subject to the provisions of this section shall solicit or accept any gift, economic opportunity, loan, gra-

tuity, special discount or service provided because of such person's official position, except:

(3) anything of value received by the person on behalf of the state that inures to the benefit of the state or that becomes the property of the state.

If the executive branch state employee's presence at the seminar serves a legitimate state purpose, and his or her agency authorizes or would authorize payment for this seminar, the waiver of the registration fee is a gift to the agency and not to the state employee. Because this gift will inure to the benefit of the State, the complimentary registration and CEU credits may be accepted without causing a violation of the state level conflict of interest laws.

The one caveat to this, however, is presented in K.S.A. 46-237(c), which states:

No person licensed, inspected or regulated by a state agency shall offer, pay, give or make any economic opportunity, gift, loan, gratuity, special discount, favor, hospitality or service having an aggregate value of \$40 or more in any calendar year to such agency or any state officer or employee, candidate for state office or state officer elect of that agency.

If KAAP is licensed, inspected or regulated by the state agency, it may not provide a gift having an aggregate value of \$40 or more in any calendar year.

In conclusion, KAAP may provide legislators and employees of the legislative branch with complimentary access to KAAP seminars and trainings for educational purposes, but it may not provide them with free CEU credits. In addition, KAAP may provide complimentary registration to executive branch employees without causing a violation of the state level conflict of interest laws, if the agency authorizes payment or would authorize payment for the employee to attend the seminar, so long as KAAP is not licensed, inspected, or regulated by the state agency.

Opinion No. 2001-20

Written October 18, 2001, to Sharon Patnode, Assistant Secretary, Kansas Department of Health and Environment, Topeka.

This opinion is in response to your letter of October 12, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are asking for this opinion in your capacity as Assistant Secretary of the Kansas Department of Health & Environment (KDH&E). You have explained that K.S.A. 75-5663 *et seq.* established the Advisory Committee on Trauma (Advisory Committee). A long time member of the Advisory Committee is contemplating accepting employment with the Kansas Hospital

(continued)

Association (Association). This member was involved in the making of a contract between the Advisory Committee and the Association to establish a Trauma registry.

Question

May this member of the Advisory Committee accept employment with the Kansas Hospital Association?

Opinion

The initial question that must be addressed is whether this Advisory Committee member is a state officer or employee subject to the restrictions contained in K.S.A. 46-233. K.S.A. 46-221(a) defines who is and who is not a state officer and employee. It states in pertinent part:

(a) . . . State officer or employee does not include . . . any appointed member of an advisory council, commission or board, who serves without compensation other than amounts for expense allowances or reimbursement of expenses as provided for in subsection (e) of K.S.A. 75-3223 and amendments thereto, when such member is engaged in performing a function or duty for such council, commission or board.

You have informed a member of our staff in a telephone conversation, that the Advisory Committee members serve without compensation other than amounts allotted pursuant to K.S.A. 75-3223. Because this member of the Advisory Committee is not a state officer or employee, she is not subject to the restrictions contained in K.S.A. 46-233. Therefore, there are no statutes in the governmental ethics laws (K.S.A. 46-215 *et seq.*) that would prohibit the scenario you have described.

Opinion No. 2001-21

Written October 18, 2001, to La Krisha Paschal, Kansas Department of Social and Rehabilitation Services, Wichita Area Office, Wichita.

This opinion is in response to your letter of October 5, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are asking for this opinion in your capacity as an Economic and Employment Support Specialist with the Wichita office of the Kansas Department of Social & Rehabilitation Services (SRS). You are interested in becoming a foster care provider. You have explained that in your position with SRS you handle medical, cash, childcare, and food stamp benefits, and that you do not deal directly with foster care cases. In addition, you have informed a member of our staff in a telephone conversation that you would not be involved in the handling of any benefits for the children in your care.

Question

May an SRS Support Specialist become a foster care provider?

Opinion

Four statutes apply to the question you have raised: K.S.A. 46-233(a), which involves participation in the making of contracts; K.S.A. 46-235, which governs restrictions on compensation of state employees, K.S.A. 46-241, which involves the use of confidential information; and K.S.A. 46-286, which involves a state employees participation in the licensure and inspection of businesses. Each of these statutes will be addressed in turn.

K.S.A. 46-233 states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed. . . .

Under this provision, you are prohibited, as a state employee, from being substantially involved in the preparation of, or participating in the making of, a contract with yourself. Absent your participation as a state employee in the making of a contract with yourself as a foster care provider, this statute would not prohibit you from becoming a foster care provider.

K.S.A. 46-235 states in pertinent part:

No state officer or employee shall accept compensation for performance of official duties, other than that to which such person is entitled for such performance. . . . The receipt of wages or salary from an individual's non-state employer during a period of service as a state officer or employee shall not be construed as compensation for performance of official duties.

Pursuant to this statute, so long as it is not part of your current state duties to perform foster care services, K.S.A. 46-235 would not prohibit you from accepting compensation for performing these services.

K.S.A. 46-241 states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another.

Finally, K.S.A. 46-286 states in pertinent part:

(a) No state officer or employee, in the officer's or employee's official capacity, shall participate directly in the licensure, inspection or administration or enforcement of any regulation of or in any contract with any outside organization with which the officer or employee holds a position.

Pursuant to this statute, you would be prohibited from being involved in the licensure, inspection, administration, or enforcement of any regulation or contract regarding your provision of foster care services. Absent any such involvement, this statute would not prohibit you from becoming a foster care provider.

In conclusion, K.S.A. 46-233(a)(1) does not prohibit you from becoming a foster care provider, so long as you do not, in your capacity as a state employee, participate in the making of any contracts between the State and yourself. Pursuant to K.S.A. 46-235, as long as it is not part of

your current state duties to perform foster care services, you would not be prohibited from accepting compensation for performing these services. Pursuant to K.S.A. 46-241, confidential information obtained during your official duties with the State may not be used for your financial gain or the financial gain of another. And finally, pursuant to K.S.A. 46-286, you would be prohibited from being involved in the licensure, inspection, administration, or enforcement of any regulation or contract regarding your provision of foster care services.

Opinion No. 2001-22

Written October 9, 2001, to William L. Frost, Manhattan City Attorney, Manhattan.

This opinion is in response to your letter of September 25, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the application of the local level conflict of interest laws (K.S.A. 75-4301a *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 75-4301a *et seq.*, and whether some other statutory system, common law theory, or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the City Attorney for the City of Manhattan, Kansas (the City) which is classified as a city of the first class. You have explained that the governing body of the City (City Commission) consists of five elected officials and that four members are required for a quorum. The City has certain economic development funds which it makes available to businesses within the community. In order to receive these funds, the business requests funds from the City. This request must be approved by the City Commission which then authorizes a contract between the City and the business.

The Mercy Community Health Foundation, Inc., (the Foundation) is a Kansas corporation organized solely to support the Mercy Health Center of Manhattan, Inc. (Health Center). In order to receive funds from the Foundation, the Health Center makes a request to the Foundation, and the Board of Directors of the Foundation reviews the request before granting approval. You have informed us that this review and approval process is an arms length transaction.

The Foundation has requested economic development funds from the City. You have informed us that two of the City Commissioners have spouses who are employed by the Health Center, although neither has any tie to the Foundation. Both of these spouses have received more than \$2,000 in compensation from the Health Center in the preceding calendar year.

Question

May these two City Commissioners participate in the making of the contract for the economic development funds between the City and the Foundation without violating K.S.A. 75-4304?

Opinion

As City Commissioners for a city of the first class, these individuals are governed by the local level conflict of in-

terest laws (K.S.A. 75-4301a *et seq.*). Under these laws, K.S.A. 75-4304(a) applies to the making of contracts. It states in pertinent part:

No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business the officer or employee has a substantial interest.

K.S.A. 75-4301a(a) defines the phrase substantial interest. It states in pertinent part:

(2) If an individual or an individual's spouse, either individually or collectively, has received during the preceding calendar year compensation which is or will be required to be included as taxable income on federal income tax returns of the individual and spouse in an aggregate amount of \$2,000 from any business or combination of businesses, the individual has a substantial interest in that business or combination of businesses.

Because the spouses have each earned more than \$2,000 in compensation from the Health Center, they and their respective City Commission spouses have a substantial interest in the Health Center and would be prohibited from participating in the making of a contract between the Health Center and the City. This interest, however, does not give them a substantial interest in the Foundation, which is a legally recognized separate entity. Because the contract at issue is between the City and the Foundation, the local level conflict of interest laws do not prohibit these Commissioners from being involved in the making of this contract.

Opinion No. 2001-23

Written October 18, 2001, to Rebecca Floyd, Executive Vice President/General Counsel, Kansas Development Finance Authority, Topeka.

This opinion is in response to your letter of October 10, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the application of the state level conflict of interest laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory, or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you request this opinion in your capacity as the Executive Vice President and General Counsel for the Kansas Development Finance Authority (K DFA). You have explained that Jack Brier is the President of the K DFA. His role as President is the equivalent of a position as executive director of a state agency. In his private capacity, Mr. Brier is involved in a variety of business and real estate interests, and holds a position with Billard Properties, LLC., (Billard). In January of 2001, Billard entered into a contract with the Kansas Highway Patrol (KHP) to construct a building and lease it to the KHP. The contract included an option allowing the KHP to purchase the property, and the KHP has notified Billard of its intent to exercise that option.

On October 4, 2001, Acting Secretary of the Department of Administration, Joyce Glasscock, requested that the KDFA issue bonds for the purchase of this building. The KDFA held its regularly scheduled meeting on October 5, 2001, at which representatives of the Department of Administration and the KHP presented information regarding this request. As President of the KDFA, Mr. Brier is a non-voting, *ex officio* member of the KDFA Board. Prior to this presentation and the subsequent discussions by the Board, Mr. Brier excused himself from the room. The KDFA unanimously voted to adopt a Resolution of Intent to issue the bonds for the KHP project, subject to an opinion by the Governmental Ethics Commission that the KDFA's action was appropriate in light of Mr. Brier's positions with the KDFA and Billard.

Question

In light of Mr. Brier's involvement with Billard, is it a violation of the State Governmental Ethics laws for the KDFA to issue bonds for this transaction?

Opinion

Two statutes apply to the question you have raised: K.S.A. 46-233(a), which involves participation in the making of contracts, and K.S.A. 46-241, which involves the use of confidential information. Each of these statutes will be addressed in turn.

K.S.A. 46-233 states in pertinent part:

(a)(1) No state officer or employee shall in the capacity as such officer or employee be substantially involved in the preparation of or participate in the making of a contract with any person or business by which such officer or employee is employed or in whose business such officer or employee or any member of such officer's or employee's immediate family has a substantial interest

Under this provision, Mr. Brier would be prohibited, as a state employee, from being substantially involved in the preparation of, or participating in the making of, a contract between the KDFA and Billard. In the specific case, however, the contract at issue is between the KDFA and the Department of Administration and the KHP. Because Mr. Brier has no substantial interest in the Department of Administration or the KHP, he would not be prohibited from participating in the making of this contract.

K.S.A. 46-241 states:

No state officer or employee shall disclose or use confidential information acquired in the course of his or her official duties in order to further his or her own economic interest or those of any other person.

This section is self-explanatory. Confidential information obtained during Mr. Brier's official duties with the State may not be used for his financial gain or the financial gain of another.

In conclusion, K.S.A. 46-233(a)(1) does not prohibit Mr. Brier from participating in the making of this contract. In addition, Mr. Brier should be careful that confidential information obtained during his official duties with the State is not used for his financial gain or the financial gain of another.

Opinion No. 2001-24

Written November 20, 2001, to Richard A. Bendis, President
(continued)

dent and CEO, Kansas Technology Enterprise Corporation, Topeka.

This opinion is in response to your letter of October 26, 2001, in which you request an advisory opinion from the Kansas Governmental Ethics Commission concerning the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We note at the outset that the Commission's jurisdiction is limited to the application of K.S.A. 46-215 *et seq.*, and whether some other statutory system, common law theory or agency rule and regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand you request this opinion in your capacity as President & CEO of the Kansas Technology Enterprise Corporation (KTEC). You have explained that Clyde C. Engert, as a KTEC employee, developed software that is used by KTEC. Mr. Engert retired from the State in July of this year, and has now approached KTEC about the possibility of its licensing the software to him so that he can market it.

Question

May KTEC license this software to Mr. Engert without violating any of the governmental ethics laws?

Opinion

This question involves the application of the governmental ethics laws (K.S.A. 46-215 *et seq.*). We have reviewed those laws and find nothing that would prohibit the scenario you have described. We suggest, however, that you contact the Attorney General to determine whether some other statutory system is applicable.

Opinion No. 2001-25

Written November 20, 2001, to Daniel D. Creitz, Erie City Attorney, Hines, Ahlquist & Creitz, P.A., Erie.

This opinion is in response to your letter of November 14, 2001, in which you request an opinion from the Kansas Governmental Ethics Commission concerning the local conflict of interest law (K.S.A. 75-4301 *et seq.*). We note at the outset that the Commission's jurisdiction concerning your question is limited to the application of K.S.A. 75-4301 *et seq.* Thus, whether some other statutory system, common law theory or agency rule or regulation applies to your inquiry is not covered by this opinion.

Factual Statement

We understand that you are requesting this opinion in your capacity as the Erie City Attorney. You have explained that on June 1, 1999, the City of Erie (the City) entered into a contract to lease one of its buildings to John Smith. This contract expired on June 1, 2000 and was not renewed. Since that time, Mr. Smith has continued to rent the building on a month to month lease. In April of 2001, Mr. Smith was elected to the Erie City Council. The Erie Economic Development Committee recently recommended that the Council sell this property by sealed bids. A question has arisen as to whether Mr. Smith may participate in the discussions and vote on whether to sell the building by competitive bid when the sale of this property will effectively terminate Mr. Smith's lease.

Question

May an Erie City Council member participate in the discussions and vote on whether to sell a building by competitive bid when the sale of this property will terminate his lease of that building?

Opinion

In his capacity as an Erie City Council member, Mr. Smith is governed by the local level conflict of interest laws found in K.S.A. 75-4301 *et seq.* K.S.A. 75-4304 prohibits a local official from participating in his capacity as a local official in the making of contracts in which that official has a substantial interest. It states in pertinent part:

- (a) No local governmental officer or employee shall, in the capacity of such an officer or employee, make or participate in the making of a contract with any person or business by which the officer or employee is employed or in whose business the officer or employee has a substantial interest.
- (d) This section shall not apply to the following:
 - (1) Contracts let after competitive bidding has been advertised for by published notice. . . .
 - (c) A local governmental officer or employee does not make or participate in the making of a contract if the of-

ficer or employee abstains from any action in regard to the contract.

You have indicated that the Council intends to offer this contract for competitive bid. Pursuant to K.S.A. 75-4304(d), the prohibitions in this statute do not apply to contracts which are let pursuant to a competitive bid process, and therefore, Mr. Smith would not be violating the local level conflict of interest laws if he were to participate in the making of a competitively bid contract. In addition, although the practical effect of such a contract would be to terminate Mr. Smith's month to month lease, the statute only prohibits governmental employees from being involved in the making of a contract. While Mr. Smith would be prohibited from being involved in his official capacity in negotiating a new, non-competitively bid lease or contract for sale between the City and himself, this statute would not prohibit him from being involved in a competitively bid contract that had the practical effect of terminating a current lease he holds.

Daniel Severt
Chairman

Doc. No. 027355

INDEX TO ADMINISTRATIVE REGULATIONS

This index lists in numerical order the new, amended and revoked administrative regulations and the volume and page number of the *Kansas Register* issue in which more information can be found. Temporary regulations are designated with a (T) in the Action column. This cumulative index supplements the 2000 Volumes and 2001 Supplement to the *Kansas Administrative Regulations*.

AGENCY 1: DEPARTMENT OF ADMINISTRATION		
Reg. No.	Action	Register
1-5-8	Amended	V. 20, p. 730
1-5-9	Amended	V. 20, p. 730
1-5-19b	Amended	V. 20, p. 730
1-5-19c	Amended	V. 20, p. 730
1-5-20	Amended	V. 20, p. 731
1-18-1a	Amended	V. 20, p. 1602
1-45-1	Amended	V. 20, p. 1602
1-45-7	Amended	V. 20, p. 1603
1-45-7a	New	V. 20, p. 1603

AGENCY 4: DEPARTMENT OF AGRICULTURE		
Reg. No.	Action	Register
4-3-47	Amended	V. 20, p. 861
4-3-49	Amended	V. 20, p. 861
4-3-51	New	V. 20, p. 861
4-10-2j	Amended	V. 20, p. 431
4-10-5	Amended	V. 20, p. 430
4-10-5a	New	V. 20, p. 431

AGENCY 5: DEPARTMENT OF AGRICULTURE—DIVISION OF WATER RESOURCES		
Reg. No.	Action	Register
5-25-4	Amended	V. 20, p. 294

AGENCY 7: SECRETARY OF STATE		
Reg. No.	Action	Register
7-17-1 through 7-17-24	New	V. 20, p. 1524-1528
7-19-1 through 7-19-7	Revoked	V. 20, p. 1528
7-24-2	Amended	V. 20, p. 323
7-25-1	Amended	V. 20, p. 325
7-26-1	Amended	V. 20, p. 325
7-26-2	Amended	V. 20, p. 325
7-28-1	Amended	V. 20, p. 325
7-29-2	Amended	V. 20, p. 325
7-36-4	Amended	V. 20, p. 326
7-38-1	Amended	V. 20, p. 326
7-39-1	Amended	V. 20, p. 1566
7-41-1 through 7-41-13	New	V. 20, p. 1021-1023

AGENCY 9: ANIMAL HEALTH DEPARTMENT		
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9-7-19	New (T)	V. 20, p. 934
9-10-33	New	V. 20, p. 1393
9-10-33a	New	V. 20, p. 1393
9-18-1	Amended (T)	V. 20, p. 1567
9-22-4	New (T)	V. 20, p. 1567
9-22-5	New (T)	V. 20, p. 1568

AGENCY 17: STATE BANK COMMISSIONER		
Reg. No.	Action	Register
17-24-2	Amended	V. 20, p. 1847

AGENCY 22: STATE FIRE MARSHAL		
Reg. No.	Action	Register
22-24-1 through 22-24-18	New (T)	V. 20, p. 1724-1727

AGENCY 23: DEPARTMENT OF WILDLIFE AND PARKS		
Reg. No.	Action	Register
23-1-11	Revoked	V. 20, p. 1061
23-8-27	Revoked	V. 20, p. 1061

AGENCY 26: DEPARTMENT ON AGING		
Reg. No.	Action	Register
26-11-1	New (T)	V. 20, p. 1496
26-11-2	New (T)	V. 20, p. 1496

AGENCY 28: DEPARTMENT OF HEALTH AND ENVIRONMENT		
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28-10-15 through 28-10-35	Revoked	V. 20, p. 322
28-10-37	Revoked	V. 20, p. 322
28-10-38	Revoked	V. 20, p. 322
28-10-39	Revoked	V. 20, p. 322
28-10-75 through 28-10-88	Revoked	V. 20, p. 322
28-10-100 through 28-10-108	Revoked	V. 20, p. 322
28-15-35	Amended	V. 20, p. 725
20-15-36	Amended	V. 20, p. 728
28-15-36a	Amended	V. 20, p. 728
28-15-37	Amended	V. 20, p. 729
28-16-28b through 28-16-28e	Amended	V. 20, p. 1264-1270
28-16-30 through 28-16-36	Amended	V. 20, p. 1277-1279
28-16-57	Revoked	V. 20, p. 322
28-16-58	Amended	V. 20, p. 1279
28-16-60	Amended	V. 20, p. 1280
28-16-76 through 28-16-79	Revoked	V. 20, p. 322
28-16-82	Revoked	V. 20, p. 322
28-17-6	Amended	V. 20, p. 1523
28-19-79	Revoked	V. 20, p. 492
28-19-202	Amended	V. 20, p. 322
28-19-719	New	V. 20, p. 492
28-34-1a	Amended	V. 20, p. 1755
28-34-6a	Amended	V. 20, p. 106
28-34-9a	Amended	V. 20, p. 107
28-34-21	Revoked	V. 20, p. 323
28-34-26	Revoked	V. 20, p. 323
28-34-27	Revoked	V. 20, p. 323
28-34-28	Revoked	V. 20, p. 323
28-34-30	Revoked	V. 20, p. 323
28-34-32b	Amended	V. 20, p. 107
28-34-50	Amended	V. 20, p. 453
28-34-51	Amended	V. 20, p. 454
28-34-52	Revoked	V. 20, p. 455
28-34-52a	New	V. 20, p. 455
28-34-52b	New	V. 20, p. 455

28-34-53	Amended	V. 20, p. 456
28-34-54	Amended	V. 20, p. 456
28-34-55	Revoked	V. 20, p. 457
28-34-55a	New	V. 20, p. 457
28-34-56	Revoked	V. 20, p. 457
28-34-56a	New	V. 20, p. 457
28-34-57	Amended	V. 20, p. 457
28-34-58	Revoked	V. 20, p. 458
28-34-58a	New	V. 20, p. 458
28-34-59	Revoked	V. 20, p. 459
28-34-59a	New	V. 20, p. 459
28-34-60	Revoked	V. 20, p. 459
28-34-60a	New	V. 20, p. 459
28-34-61	Revoked	V. 20, p. 460
28-34-61a	New	V. 20, p. 460
28-34-62a	Amended	V. 20, p. 460

28-34-75	through	
28-34-93	Revoked	V. 20, p. 323
28-34-94a	Revoked	V. 20, p. 323
28-36-30	Amended (T)	V. 20, p. 1122
28-36-30	Amended	V. 20, p. 1675
28-36-60	New (T)	V. 20, p. 1122
28-36-60	New	V. 20, p. 1675
28-36-120	New (T)	V. 20, p. 1122
28-36-120	New	V. 20, p. 1675
28-39-144	Amended	V. 20, p. 1756
28-39-155	Amended	V. 20, p. 1758
28-39-410	Revoked	V. 20, p. 323
28-59-1	through	
28-59-5	Amended	V. 20, p. 295, 296
28-59-5a	Amended	V. 20, p. 297
28-59-6	Amended	V. 20, p. 297
28-59-7	Amended	V. 20, p. 298
28-59-8	Amended	V. 20, p. 298
28-61-1	through	
28-61-10	Amended	V. 20, p. 298-303
28-61-11	New	V. 20, p. 304

AGENCY 30: SOCIAL AND REHABILITATION SERVICES

Reg. No.	Action	Register
30-4-64	Amended	V. 20, p. 490
30-5-58	Amended	V. 20, p. 1023
30-5-64	Amended	V. 20, p. 1393
30-5-76	Amended	V. 20, p. 1846
30-5-92	Amended	V. 20, p. 1029
30-5-94	Amended	V. 20, p. 1030
30-5-100	Amended	V. 20, p. 1846
30-5-108	Amended	V. 20, p. 491
30-6-89	New	V. 20, p. 1394

AGENCY 40: KANSAS INSURANCE DEPARTMENT

Reg. No.	Action	Register
40-1-8	Revoked	V. 20, p. 946
40-1-13	Revoked	V. 20, p. 946
40-1-30	Revoked	V. 20, p. 723
40-1-37	Amended	V. 20, p. 1343
40-1-42	Amended	V. 20, p. 723
40-1-43	Amended	V. 20, p. 723
40-1-46	New	V. 20, p. 573
40-3-29	Revoked	V. 20, p. 946
40-4-35	Amended	V. 20, p. 1307
40-4-41	Amended	V. 20, p. 946
40-4-41b	through	
40-4-41g	Amended	V. 20, p. 949-953
40-4-41h	New	V. 20, p. 953
40-4-41i	New	V. 20, p. 954
40-4-41j	New	V. 20, p. 954
40-5-106	Revoked	V. 20, p. 1161
40-5-111	Revoked	V. 20, p. 1161
40-7-6	Revoked	V. 20, p. 1161
40-9-100	Amended	V. 20, p. 954
40-12-1	Revoked	V. 20, p. 723

AGENCY 50: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF EMPLOYMENT

Reg. No.	Action	Register
50-1-2	Amended	V. 20, p. 137
50-1-3	Amended	V. 20, p. 138

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50-1-4	Amended	V. 20, p. 138
50-2-1	Amended	V. 20, p. 139
50-2-3	Amended	V. 20, p. 139
50-2-9	Revoked	V. 20, p. 140
50-2-12	Amended	V. 20, p. 140
50-2-17	Amended	V. 20, p. 140
50-2-18	Amended	V. 20, p. 140
50-2-19	Amended	V. 20, p. 140
50-2-21	Amended	V. 20, p. 141
50-2-26	Amended	V. 20, p. 143
50-3-1	through	
50-3-5	Amended	V. 20, p. 143-145
50-4-2	Amended	V. 20, p. 146

AGENCY 51: DEPARTMENT OF HUMAN RESOURCES—DIVISION OF WORKERS COMPENSATION

Reg. No.	Action	Register
51-9-7	Amended	V. 20, p. 1755

AGENCY 60: BOARD OF NURSING

Reg. No.	Action	Register
60-3-111	Amended	V. 20, p. 1522
60-4-101	Amended	V. 20, p. 449
60-7-102	Amended	V. 20, p. 449
60-7-108	Amended	V. 20, p. 449
60-8-101	Amended	V. 20, p. 449
60-9-105	Amended	V. 20, p. 449
60-9-106	Amended	V. 20, p. 450
60-11-119	Amended	V. 20, p. 451
60-12-106	Amended	V. 20, p. 1522
60-13-101	Amended	V. 20, p. 451
60-13-112	Amended	V. 20, p. 1523
60-16-104	Amended	V. 20, p. 451

AGENCY 65: BOARD OF EXAMINERS IN OPTOMETRY

Reg. No.	Action	Register
65-8-5	New	V. 20, p. 944

AGENCY 66: BOARD OF TECHNICAL PROFESSIONS

Reg. No.	Action	Register
66-6-1	Amended	V. 20, p. 1647
66-6-4	Amended	V. 20, p. 1647
66-10-1	Amended	V. 20, p. 103
66-10-4	Amended	V. 20, p. 103
66-10-11	Amended	V. 20, p. 104
66-10-12	Amended	V. 20, p. 1648
66-10-13	Amended	V. 20, p. 1648
66-14-5	Amended	V. 20 pp. 1649
66-14-10	Amended	V. 20, p. 104

AGENCY 68: BOARD OF PHARMACY

Reg. No.	Action	Register
68-9-2	New	V. 20, p. 1020

AGENCY 74: BOARD OF ACCOUNTANCY

Reg. No.	Action	Register
74-4-3a	Amended	V. 20, p. 1650
74-4-4	Amended	V. 20, p. 1650
74-4-8	Amended	V. 20, p. 1650
74-5-2	Amended	V. 20, p. 1651
74-5-202	Amended	V. 20, p. 1652
74-5-205	Amended	V. 20, p. 1652
74-5-302	Amended	V. 20, p. 1652
75-5-404a	Amended	V. 20, p. 1652
74-7-3	New	V. 20, p. 1652
74-11-6	Amended	V. 20, p. 1653
74-11-7	Amended	V. 20, p. 1653
74-11-8	through	
74-11-14	Revoked	V. 20, p. 1653
74-11-15	New	V. 20, p. 1653
74-12-1	Amended	V. 20, p. 1654

AGENCY 75: STATE BANKING DEPARTMENT

Reg. No.	Action	Register
75-6-32	New	V. 20, p. 175

AGENCY 80: KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

Reg. No.	Action	Register
80-5-19	through	
80-5-22	New	V. 20, p. 1649, 1650
80-9-1	New	V. 20, p. 1650

80-9-2	New	V. 20, p. 1650
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AGENCY 81: OFFICE OF THE SECURITIES COMMISSIONER

Reg. No.	Action	Register
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81-3-2	Amended	V. 20, p. 1606
81-3-3	Revoked	V. 20, p. 1606
81-3-5	New	V. 20, p. 1606
81-4-3	Revoked	V. 20, p. 1607
81-5-7	Amended	V. 20, p. 1607
81-14-1	through	
81-14-8	New	V. 20, p. 1607-1617

AGENCY 82: STATE CORPORATION COMMISSION

Reg. No.	Action	Register
82-1-250	New	V. 20, p. 1094
82-3-133	Amended	V. 20, p. 771
82-3-133a	New	V. 20, p. 771
82-3-201	Amended	V. 20, p. 771
82-3-206	Amended	V. 20, p. 771
82-3-300	Amended	V. 20, p. 772
82-3-306	Amended	V. 20, p. 772
82-3-307	Amended	V. 20, p. 773
82-3-310	Amended	V. 20, p. 773
82-3-312	Amended	V. 20, p. 773
82-4-3	Amended (T)	V. 20, p. 1723
82-4-26a	New (T)	V. 20, p. 1723

AGENCY 86: REAL ESTATE COMMISSION

Reg. No.	Action	Register
86-1-10	Amended	V. 20, p. 1825

AGENCY 91: DEPARTMENT OF EDUCATION

Reg. No.	Action	Register
91-5-14	Amended	V. 20, p. 108
91-37-2	Amended	V. 20, p. 724
91-37-3	Amended	V. 20, p. 724
91-37-4	Amended	V. 20, p. 724
91-40-2	Amended	V. 20, p. 541
91-40-7	Amended	V. 20, p. 541
91-40-9	Amended	V. 20, p. 542
91-40-10	Amended	V. 20, p. 542
91-40-17	Amended	V. 20, p. 543
91-40-18	Amended	V. 20, p. 544
91-40-27	Amended	V. 20, p. 544
91-40-33	Amended	V. 20, p. 544
91-40-36	Amended	V. 20, p. 545
91-40-37	Amended	V. 20, p. 545
91-40-38	Amended	V. 20, p. 545
91-40-52	Amended	V. 20, p. 545
91-40-53	Amended	V. 20, p. 546
91-41-1	through	
91-41-4	New	V. 20, p. 546, 547

AGENCY 92: DEPARTMENT OF REVENUE

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92-9-8	Revoked	V. 20, p. 1124
92-12-66	Revoked	V. 20, p. 1124
92-12-66a	New	V. 20, p. 1124
92-15-6	Amended	V. 20, p. 1126
92-19-4a	Revoked	V. 20, p. 1126
92-19-4b	New	V. 20, p. 1126
92-19-16a	New	V. 20, p. 1128
92-19-24	Amended	V. 20, p. 1129
92-19-33	Amended	V. 20, p. 1129
92-19-64	Revoked	V. 20, p. 1129
92-19-64a	New	V. 20, p. 1129
92-19-73	Amended	V. 20, p. 1130
92-19-75	Revoked	V. 20, p. 1130
92-25-1	Amended	V. 20, p. 1130
92-51-33	Revoked	V. 20, p. 1130
92-51-40	Revoked	V. 20, p. 1580
92-51-50	Revoked	V. 20, p. 1130
92-51-51	Revoked	V. 20, p. 1130
92-51-52	Revoked	V. 20, p. 1130
92-51-54	Revoked	V. 20, p. 1130
92-51-55	Revoked	V. 20, p. 1131
92-52-9	Amended	V. 20, p. 1603
92-52-9a	Amended	V. 20, p. 1604

92-53-1		
through		
92-53-7	Revoked	V. 20, p. 1131
92-54-1		
through		
92-54-5	Revoked	V. 20, p. 1131

AGENCY 93: DEPARTMENT OF REVENUE—DIVISION OF PROPERTY VALUATION

Reg. No.	Action	Register
93-1-1		
through		
93-1-4	Revoked	V. 20, p. 452
93-4-6	Amended	V. 20, p. 452
93-6-1		
through		
93-6-4	Amended	V. 20, p. 452, 453

AGENCY 100: BOARD OF HEALING ARTS

Reg. No.	Action	Register
100-15-1	Amended	V. 20, p. 1093
100-27-1	New	V. 20, p. 773
100-28a-1		
through		
100-28a-16	New	V. 20, p. 774-778
100-60-1	Revoked	V. 20, p. 778
100-60-2	Revoked	V. 20, p. 778
100-60-4	Revoked (T)	V. 20, p. 251
100-60-5	Revoked	V. 20, p. 778
100-60-6	Revoked	V. 20, p. 779
100-60-8		
through		
100-6-15	Revoked	V. 20, p. 779

AGENCY 102: BEHAVIORAL SCIENCES REGULATORY BOARD

Reg. No.	Action	Register
102-1-19	New	V. 20, p. 572
102-2-15	New	V. 20, p. 572
102-3-16	New	V. 20, p. 572
102-4-16	New	V. 20, p. 572
102-5-15	New	V. 20, p. 572

AGENCY 109: BOARD OF EMERGENCY MEDICAL SERVICES

Reg. No.	Action	Register
109-9-1	Amended	V. 20, p. 1675
109-9-4	Amended	V. 20, p. 1677
109-10-1	Amended	V. 20, p. 1677
109-11-10	New	V. 20, p. 1679

AGENCY 110: DEPARTMENT OF COMMERCE AND HOUSING

Reg. No.	Action	Register
110-4-1	Amended	V. 20, p. 1392
110-6-1	Amended	V. 20, p. 177
110-6-1a	Amended	V. 20, p. 178
110-6-2	Amended	V. 20, p. 178
110-6-3	Amended	V. 20, p. 178
110-6-4	Amended	V. 20, p. 179
110-6-5	Amended	V. 20, p. 180
110-7-1		
through		
110-7-4	Revoked	V. 20, p. 1426
110-7-5	New	V. 20, p. 1426
110-7-6	New	V. 20, p. 1426
110-7-8	New	V. 20, p. 1426
110-7-9	New	V. 20, p. 1426
110-7-10	New	V. 20, p. 1426

AGENCY 111: KANSAS LOTTERY

A complete index listing all regulations filed by the Kansas Lottery from 1988 through 2000 can be found in the Vol. 19, No. 52, December 28, 2000 Kansas Register. The regulations listed below were published after December 31, 2000.

Reg. No.	Action	Register
111-2-4	Amended	V. 20, p. 1094
111-2-119		
through		
111-2-124	New	V. 20, p. 416-419

111-2-120	Amended	V. 20, p. 1094
111-2-124	Amended	V. 20, p. 1343
111-2-125	New	V. 20, p. 573
111-2-126	New	V. 20, p. 573
111-2-127	Amended	V. 20, p. 937
111-2-128	New	V. 20, p. 1188
111-2-129	New	V. 20, p. 1343
111-2-130	New	V. 20, p. 1394
111-2-131	New	V. 20, p. 1778
111-3-12	Amended	V. 20, p. 40
111-3-35	Amended	V. 20, p. 1189
111-4-1795		
through		
111-4-1813	New	V. 20, p. 40-47
111-4-1801	Amended	V. 20, p. 1095
111-4-1803	Amended	V. 20, p. 1095
111-4-1805a	New	V. 20, p. 1095
111-4-1814		
through		
111-4-1823	New	V. 20, p. 419-427
111-4-1818	Amended	V. 20, p. 575
111-4-1824	New	V. 20, p. 575
111-4-1825		
through		
111-4-1839	New	V. 20, p. 937-942
111-4-1828	Amended	V. 20, p. 1096
111-4-1832	Amended	V. 20, p. 1344
111-4-1840		
through		
111-4-1844	New	V. 20, p. 1096-1100
111-4-1845		
through		
111-4-1850	New	V. 20, p. 1189-1193
111-4-1849	Amended	V. 20, p. 1344
111-4-1851	New	V. 20, p. 1345
111-4-1852	New	V. 20, p. 1346
111-4-1853	New	V. 20, p. 1347
111-4-1854		
through		
111-4-1870	New	V. 20, p. 1395-1405
111-4-1864	Amended	V. 20, p. 1569
111-4-1866	Amended	V. 20, p. 1570
111-4-1867	Amended	V. 20, p. 1601
111-4-1869	Amended	V. 20, p. 1601
111-4-1871	New	V. 20, p. 1571
111-4-1872	New	V. 20, p. 1572
111-4-1873	New	V. 20, p. 1572
111-4-1874		
through		
111-4-1877	New	V. 20, p. 1779-1781
111-5-23	Amended	V. 20, p. 428
111-5-24	Amended	V. 20, p. 428
111-5-27	Amended	V. 20, p. 429
111-7-123	Amended	V. 20, p. 48
111-7-134	Amended	V. 20, p. 429
111-7-152	Amended	V. 20, p. 49
111-7-158		
through		
111-7-162	New	V. 20, p. 577
111-7-159	Amended	V. 20, p. 1101
111-7-162	Amended	V. 20, p. 944
111-7-163		
through		
111-7-170	New	V. 20, p. 1101-1103
111-7-165	Amended	V. 20, p. 1194
111-7-171		
through		
111-7-175	New	V. 20, p. 1782, 1783
111-8-101		
through		
111-8-126	New	V. 20, p. 1573-1579
111-9-111	New	V. 20, p. 1406
111-9-112	Amended	V. 20, p. 1579

AGENCY 112: KANSAS RACING AND GAMING COMMISSION

Reg. No.	Action	Register
112-4-1	Amended	V. 20, p. 765
112-7-19	Amended	V. 20, p. 547

112-10-3	Amended	V. 20, p. 1728
112-10-6	Amended	V. 20, p. 1728
112-11-20	Amended	V. 20, p. 945
112-17-4	Amended	V. 20, p. 1729

AGENCY 115: DEPARTMENT OF WILDLIFE AND PARKS

Reg. No.	Action	Register
115-2-1	Amended	V. 20, p. 1499
115-2-4	Amended	V. 20, p. 1499
115-3-1	Amended	V. 20, p. 766
115-3-2	Amended	V. 20, p. 767
115-4-1	Revoked	V. 20, p. 767
115-4-2	New	V. 20, p. 767
115-4-3	Revoked	V. 20, p. 768
115-4-4	New	V. 20, p. 768
115-4-5	Revoked	V. 20, p. 769
115-4-7		
through		
115-4-10	Revoked	V. 20, p. 769
115-4-11	Amended	V. 20, p. 769
115-4-12	Revoked	V. 20, p. 770
115-4-13	Amended	V. 20, p. 770
115-8-1	Amended	V. 20, p. 1061
115-8-4	Amended	V. 20, p. 1500
115-8-5	Revoked	V. 20, p. 1061
115-8-8	Amended	V. 20, p. 1061
115-8-12	Amended	V. 20, p. 1062
115-8-16	Revoked	V. 20, p. 1062
115-8-18	Revoked	V. 20, p. 1062
115-8-20	Amended	V. 20, p. 1062
115-8-21	Amended	V. 20, p. 1062
115-13-1	Amended	V. 20, p. 1500
115-13-2	Amended	V. 20, p. 1500
115-13-5	Amended	V. 20, p. 1501
115-14-2	Amended	V. 20, p. 1501
115-14-3	Amended	V. 20, p. 1502
115-14-5	Amended	V. 20, p. 1502
115-14-6	Amended	V. 20, p. 1502
115-14-7	Revoked	V. 20, p. 1502
115-14-9	Amended	V. 20, p. 1502
115-14-10	Amended	V. 20, p. 1503
115-18-5	Revoked	V. 20, p. 1504
115-18-8	Amended	V. 20, p. 1504
115-18-9	Amended	V. 20, p. 1504
115-18-14	Amended	V. 20, p. 1504
115-18-17	New	V. 20, p. 1062
115-20-1	Amended	V. 20, p. 1063
115-20-2	Amended	V. 20, p. 1063
115-21-1	Amended	V. 20, p. 1803
115-21-2	Amended	V. 20, p. 1804
115-21-3	Revoked	V. 20, p. 1804
115-21-4	New	V. 20, p. 1804
115-22-1	New	V. 20, p. 1804

AGENCY 117: REAL ESTATE APPRAISAL BOARD

Reg. No.	Action	Register
117-6-3	Amended	V. 20, p. 862
117-6-4	New	V. 20, p. 863
117-7-1	Amended	V. 20, p. 863
117-8-1	Amended	V. 20, p. 1020

AGENCY 118: STATE HISTORICAL SOCIETY

Reg. No.	Action	Register
118-5-1		
through		
118-5-10	New (T)	V. 20, p. 1492-1495

AGENCY 125: AGRICULTURAL REMEDIATION BOARD

Reg. No.	Action	Register
125-1-1		
through		
125-1-9	New (T)	V. 20, p. 1496-1498

